

NATURAL RESOURCES PROTECTION ACT – TIER 3
INDIVIDUAL PERMIT APPLICATION

OF

MARINA EXPANSION

FOR



SAFE HARBOR
— **ROCKLAND** —

JULY 2, 2021

PREPARED BY:



LANDMARK CORPORATION

SURVEYORS & ENGINEERS

135 ROCKLAND STREET
ROCKPORT, MAINE 04856
(207) 236-6757

IN COOPERATION WITH:



Note: In addition to the required copies sent to Maine DEP, a copy of this application has been sent directly to:
U.S. Army Corps of Engineers' Maine Project Office
Maine Historic Preservation Commission
City of Rockland

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

1. Name of Applicant:	SHM Rockland, LLC		5 Name of Agent: (if applicable)	Michael J. Sabatini, P.E. Landmark Corporation	
2. Applicant's Mailing Address:	56 New County Road Rockland, Maine 04841		6 Agent's Mailing Address:	135 Rockland Street Rockport, Maine 04856	
3. Applicant's Daytime Phone #:	207-236-8100		7 Agent's Daytime Phone #:	207-236-6757	
4 Applicant's Email Address Required from either applicant or agent:	William Morong wmorong@shrmrinas.com		8. Agent's Email Address:	mike@landmarkmaine.com	
9. Location of Activity: (Nearest Road, Street, Rt.#)	Rockland Harbor, Ocean Street		10. Town:	Rockland	11. County: Knox
12A. Significant Groundwater well?	<input type="checkbox"/> Yes OR <input checked="" type="checkbox"/> No				
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:	Rockland Harbor on the Penobscot Bay	
			14. Amount of Impact: (Sq.Ft.)	Fill: 235 sf (direct) Dredging/Veg Removal/Other: 23,880 sf (indirect) 138,000 sf dredge.	
15. Type of Wetland: (Check all that apply)	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____		FOR FRESHWATER WETLANDS		
			<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>
			<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft. <input type="checkbox"/> 10,000-14,999 sq ft.	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or <input checked="" type="checkbox"/> smaller than 43,560 sq ft., not eligible for Tier 1
16. Brief Activity Description	Marina expansion including dredging, floats, piles and small landward pier extension.				
17. Size of Lot or Parcel:	<input type="checkbox"/> square feet, or <input checked="" type="checkbox"/> 4.78 acres		NAD83 Northing: 158618.14 NAD83 Easting:825257.28		
18. Title, Right or Interest:	<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement				
19. Deed Reference Numbers:	Book#: 5663	Page: 224	20. Map and Lot Numbers:	Map #:5 (part of)	Lot #:B13
21. DEP Staff Previously Contacted:	Jami MacNeil		22. Part of a larger project:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	After-the-Fact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
23. Resubmission of Application?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	If yes, previous application #	Previous project manager:		
24. Written Notice of Violation?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	If yes, name of DEP enforcement staff involved:		25. Previous Wetland Alteration:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
26. Detailed Directions to the Project Site:	Take Rte.17 to N. Main Street in Rockland. Take right onto Rte. 1 south, go left on Park St., go right on Main St., left on Water St., and left on Ocean St., the project is on the left just before Scott St.				
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS			
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input checked="" type="checkbox"/> Site Conditions Report (Attachment 9) <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized		<input checked="" type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment(Attachment 12), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
28. FEES, Amount Enclosed:	\$434+\$109=\$543				

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

TITLE, RIGHT, OR INTEREST

WARRANTY DEED
KNOX COUNTY REGISTRY OF DEEDS
BOOK 5663 PAGE 224

CERTIFICATE OF GOOD STANDING

LETTER OF AGENT AUTHORIZATION

Receipt # 123829 KNOX SS: RECEIVED
VOL 5663 PG 224
ERECORDED 01/04/2021 08:52:11 AM
3 Pages
Instr # 2021-27
ATTEST: Madelene F. Cole, Knox Co Registry of Deeds

Real Estate Transfer Tax Paid

**QUITCLAIM DEED
With Covenant
Corporate Grantor**

KNOW ALL MEN BY THESE PRESENTS

THAT **ROCKLAND HARBOR PARK, LLC**, a Delaware limited liability company having a place of business located in the City of Rockland, County of Knox, State of Maine, in consideration of One Dollar (\$1.00) and other valuable consideration paid by **SHM ROCKLAND, LLC**, a Delaware limited liability company with a place of business in the City of Rockland, County of Knox, State of Maine, whose mailing address is c/o Safe Harbor Marinas, 14785 Preston Road, Suite 975, Dallas, TX 75254, the receipt of which it does hereby acknowledge, does hereby **remise, release, bargain, sell and convey**, and forever **quitclaim** with Warranty Covenants unto the said **SHM ROCKLAND, LLC**, a Delaware limited liability company, its successors and assigns forever, a certain lot or parcel of land, together with any improvements thereon, situated in Rockland, County of Knox and State of Maine, and being more particularly bounded and described as follows:

SEE ATTACHED EXHIBIT A

IN WITNESS WHEREOF, the said Rockland Harbor Park, LLC has caused this instrument to be signed by STUART G. SMITH, its Member, thereunto duly authorized, this 30 day of December, 2020.

Signed, sealed and delivered
in the presence of

ROCKLAND HARBOR PARK, LLC,
a Delaware limited liability company

Witness

By: [Signature]
STUART G. SMITH, Member
MANAGER

STATE OF MAINE
COUNTY OF KNOX, ss.:

December 30, 2020

Then personally appeared before me the above-named Stuart G. Smith and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

[Signature]
Notary Public
Mark A. Cousay

EXHIBIT A

LEGAL DESCRIPTION

A certain lot or parcel of land located on the northeasterly side of Ocean Street and on the westerly side of Rockland Harbor in the City of Rockland, County of Knox, State of Maine, and being more particularly described as follows:

BEGINNING at a 5/8 inch rebar proposed at an angle in the northeasterly right-of-way line of Ocean Street at the most southwesterly corner of the parcel being conveyed herein. Said point of beginning being N 68°17'52" W a distance of 247.74 feet from a 3/4 inch rebar found at the southwesterly corner of land of the City of Rockland as described in a deed recorded in Book 877, Page 30 of the Knox County registry of Deeds.

THENCE N 11°49'25" E along land being retained by the grantor herein a distance of 156.00 feet to a 5/8 inch rebar proposed.

THENCE N 89°20'28" W along land being retained by the grantor herein a distance of 245.87 feet to the outside face of the southerly terminus of a boardwalk.

THENCE northerly, northeasterly and northerly along said outside face of a boardwalk a distance of 755 feet more or less to the northerly terminus of said boardwalk at land of the City of Rockland as described in a deed recorded in Book 159, Page 126 of the Knox County Registry of Deeds which point bears N 05°03'01" W a distance of 629.98 feet from said southerly boardwalk terminus.

THENCE southeasterly along said land of the City of Rockland to the mean low water line of Rockland Harbor.

THENCE southeasterly, easterly, northeasterly and southerly along said mean low water line of Rockland Harbor a distance of 1,390 feet more or less to other land of the City of Rockland as described in a deed recorded in Book 877, Page 30 of the Knox County Registry of Deeds.

THENCE southwesterly along said other land of the City of Rockland to the apparent high water line.

THENCE S 32°35'15" W along said other land of the City of Rockland a distance of 23 feet more or less to a 5/8 inch rebar found which bears S 44°23'33" E a distance of 945.38 feet from said northerly boardwalk terminus.

THENCE S 32°35'15" W along said other land of the City of Rockland a distance of 154.33 feet to a 5/8 inch rebar found.

THENCE S 48°43'06" W along said other land of the City of Rockland a distance of 104.74 feet to a 3/4 inch rebar found on the northeasterly right-of-way line of Ocean Street.

THENCE N 68°17'52" W along said northeasterly right-of-way line of Ocean Street a distance of 247.74 feet back to the point of beginning.

MEANING and intending to convey 4.78 acres of land as shown on a plan titled "CONVEYANCE PLAN, BAYVIEW MANAGEMENT" by Gartley & Dorsky Engineering & Surveying dated November 30, 2020.

The parcel described herein is a portion of land conveyed to Rockland Harbor Park, LLC as described in a deed recorded in Book 3774, Page 125 of the Knox County Registry of Deeds.

All directions are referenced to True North.



MAINE

Department of the Secretary of State
Bureau of Corporations, Elections and Commissions

Corporate Name Search

Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Wed Jun 23 2021 08:12:07. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
SHM ROCKLAND, LLC	20210751FC	LIMITED LIABILITY COMPANY (FOREIGN)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
12/16/2020	N/A	DELAWARE

Other Names **(A=Assumed ; F=Former)**

SAFE HARBOR ROCKLAND A

Clerk/Registered Agent

CORPORATION SERVICE COMPANY
45 MEMORIAL CIRCLE
AUGUSTA, ME 04330

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\(\\$30.00\)](#)

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SAFE HARBOR
— ROCKLAND —

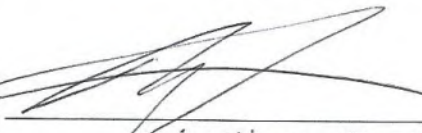
June 5, 2021

To Whom It May Concern:

The signature below authorizes Landmark Corporation Surveyors & Engineers to act as the applicant's agent in the processing of the enclosed application.

Applicant's Signature:

Print Name:


William Mo-zong
SHM Rockland, LLC

ATTACHMENT 1

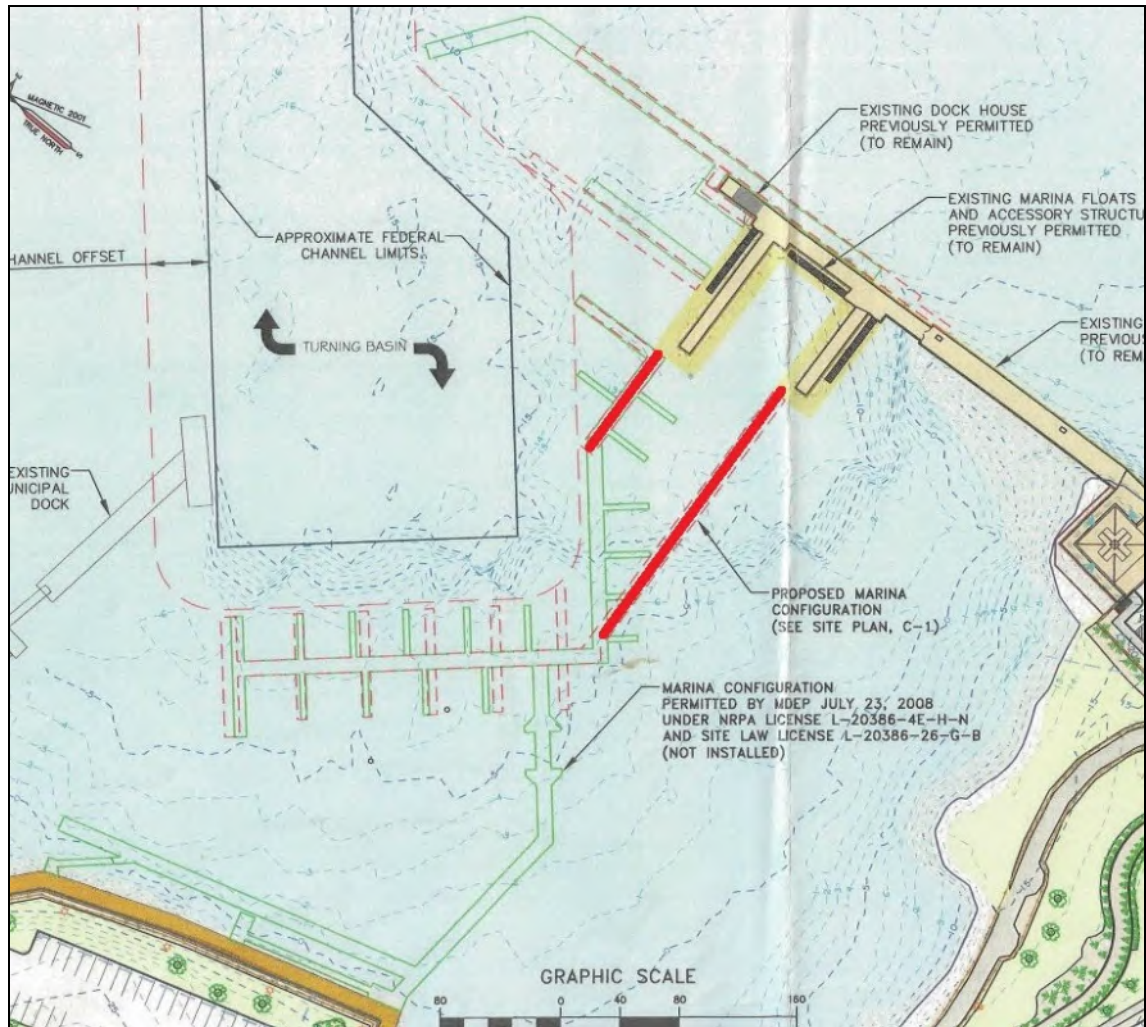
ACTIVITY DESCRIPTION

Project Background and Regulatory History

This marina expansion project is off the shore of land that was recently purchased by Safe Harbor Marinas (SHM Rockland, LLC) but was part of a larger redevelopment project by others dating back to 2000. The recently purchased property consists of 2.45 acres along with all the intertidal land along the entire frontage of the original parcel. There has been a desire to expand the existing marina and meet the demand for slips for well over 10 years. In fact, an expansion of the marina facility was permitted in 2008 with similar scope. The history of DEP project approvals is as follows:

Permit Number	Date	Project Description
L-20386-26-A-N L-20386-4E-B-N	10-24-2000	Office Building, Day Care Center, Boat House, Pavilion, Boardwalk for total of 5.44 ac impervious (reduced from 6.44 ac). Seawall reconstruction and boardwalk construction with coastal wetland impact of 18 sf
L-20386-4C-C-N	12-20-2000	Breakwater Restoration, Pier Construction, and Dredge. 1,050 sf of impact to coastal wetland
L-20386-4C-D-T	3-11-2008	Transfer from Bracebridge Corporation to Rockland Harbor Park, LLC
L-20386-26-E-M L-20386-2F-N	5-2-2008	Boathouse Conversion and Expansion. 1,386 sf of decking and paved area, 4 new pilings
L-20386-26-G-B L-20386-4E-H-N	7-23-2008	Expand Marina 98sf direct impact and 17,010sf indirect impact, expand parking creating 0.52 acres impervious and developed area
L-20386-26-I-M L-20386-2F-J-M	7-23-2009	Construct 85sf bathroom area on previously constructed pier. Minor Change
L-20386-26-I-M L-20386-2F-J-M	1-26-2010	Reconfigure marina expansion reduced to 65sf of direct impact and 13,160sf of indirect impact
L-20386-26-M-M	3-4-2010	Building Use Change Day Care to Maine Coastal Islands
L-20386-26-N-T L-20386-43-O-T	5-18-2021	Transfer from from Rockland Harbor Park, LLC to SHM Rockland, LLC

For reference, below is an image of a 2009 plan that shows the previously approved marina expansion from 2008 (shown in green) and the subsequent modification in 2010 (shown in dashed red and labeled as “Proposed Marina Configuration”):



Please note that only the floats marked in red, from these previous approvals, were constructed. For reference below is an aerial image showing current conditions:



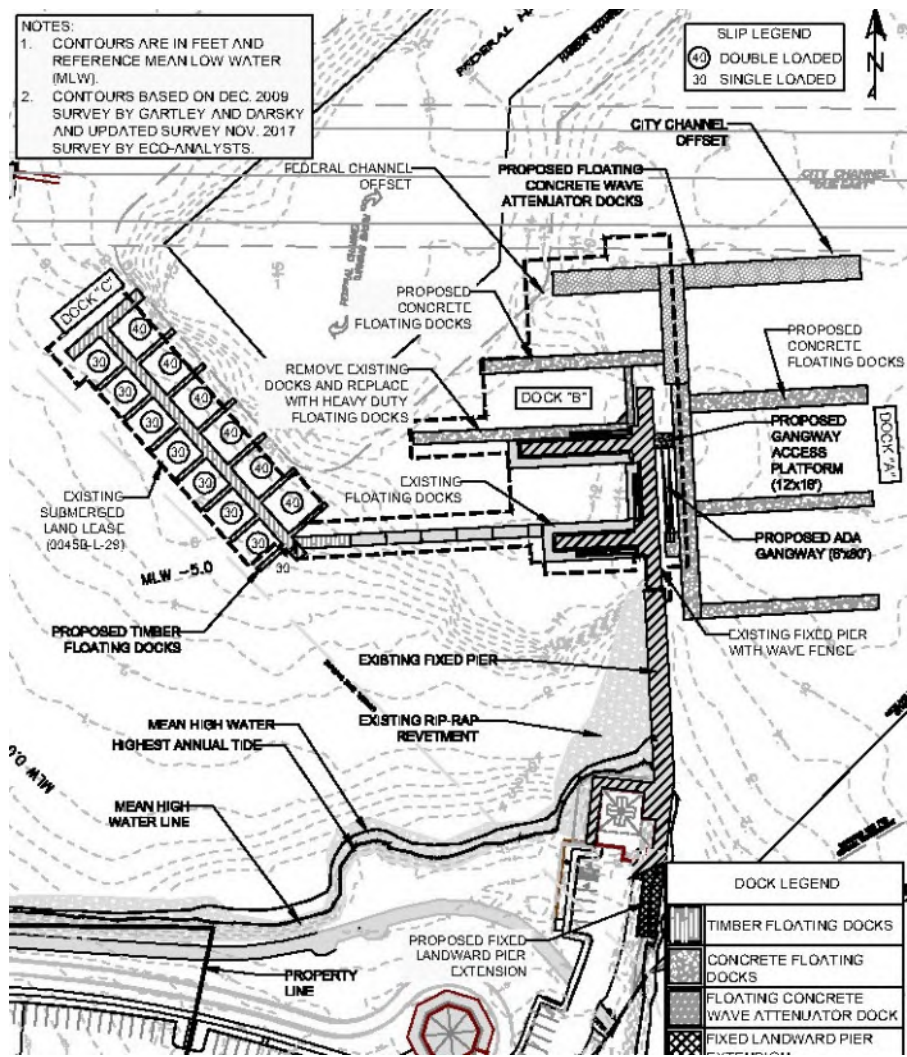
Project Scope

Scope Overview

The marina expansion project includes the following primary project elements:

1. Landward Extension of an Existing Fixed Pier
2. Dock A
 - Fixed Gangway Access Platform
 - 6' X 80' ADA-Compliant Gangway
 - Floating Concrete Docks
 - Floating Concrete Wave Attenuator Docks
3. Dock B - Floating Concrete Docks
4. Dock C – Floating Timber Docks
5. Dredging

This proposed marina expansion is illustrated in the following figure for reference, noting that this figure is taken from Sheet 3 of the provided Permit Drawings.



The specific scope of work is described in more detail in the following sections.

New Structures and Docks

Landward Extension of Existing Fixed Pier

The existing 16' wide fixed pier will be extended landward by 65'. This new section of pier will allow a better delineation of the entrance of the marina and the entrance of the restaurant and will provide a public viewing area. Additional landward improvements to connect this pier to public paths are not included at this time.

The structure is expected to be primarily of timber construction, including timber decking and framing on timber piles supported on concrete footings to generally match the existing pier in terms of materials and design. The total area of the structure, including necessary tie-ins to the existing pier, is 981 sf. The structure is expected to require a maximum of 30

piles, noting that the piles will be supported on a continuous concrete footer and as such will not be driven below existing grades.

Dock A

Dock A refers to those docks located to the east of the existing pier and wave screen as well as the northernmost “T” head adjacent to the City Channel. A new 12’X16’ (192 sf) gangway access platform will be built directly adjacent to the existing fixed pier to support a new 6’x80’ (480 sf) aluminum ADA-compliant gangway to provide pedestrian access to Dock A. The gangway access platform is expected to be supported by a maximum of 6 piles (see subsequent discussion regarding piles).

The new floating docks for Dock A will be monolithic concrete pontoons which consist of a foam core encapsulated by reinforced concrete. The outer portion of Dock A which extends past the end of the existing fixed pier will be wider and include special design characteristics such as higher mass, deeper draft, etc. to attenuate incoming waves.

Dock A includes a total of 15,874 sf of new floating dock area, 6,800 sf of which will be Wave Attenuating Docks. The floating docks will be anchored via a maximum of 55 piles (see subsequent discussion regarding piles).

Dock B

Dock B refers to those docks located on the western side of the existing fixed pier and wave screen. These docks will be primarily accessed by the existing gangways to the west side of the existing pier. However, a small floating concrete dock will connect Dock A to Dock B to ensure that all docks may be accessed via the new ADA-compliant gangway as/if needed. The new floating docks will be monolithic concrete pontoons as described above.

The Dock B improvements include removal of 1,628 sf of existing timber floating docks and installation of 4,023 sf of new floating concrete docks. The floating docks will be anchored via a maximum of 20 piles (see subsequent discussion regarding piles).

Dock C

Dock C refers to the new dock “tree” of smaller boat slips located west of the existing floating docks. The new floating docks for Dock C will consist of timber decking and framing on polytub flotation pontoons (i.e. – foam core fully encapsulated by polyethylene cladding). The new docks will be accessed via an existing floating timber dock.

Dock C includes a total of 5,611 sf of new floating timber docks, which will be anchored via a maximum of 40 piles (see subsequent discussion regarding piles).

Pile Considerations

The number of piles indicated in the previous sections and used to calculate direct impact represent the maximum number of piles anticipated to be required for the various structures/docks based upon conservative assumptions.

As is typical within the recreational marina industry, the final design of the floating dock systems (including the required number, size, and type of piles) will be completed by the selected dock manufacturer based upon their proprietary design. The dock manufacturer will be selected via a competitive bidding process which will be initiated upon receipt of regulatory authorizations, including the NRPA approval.

Since the specific number, size, and type of piles cannot be known at this time, a maximum number of piles has been determined via development of a conservative pile plan (Sheet 5 of the Permit Drawings). In practice, the total number of piles is expected to be less than the totals indicated herein.

While specific pile sizes and types are not known at this time, the following summarize the *anticipated* pile types and sizes based on conservative assumptions:

- Shoreward Extension of Existing Fixed Pier: Timber piles 12” -18” in diameter , noting that these will be supported on a concrete footing and will not require pile driving. A 2’ wide concrete footing will be considered when calculating direct intertidal impact (116 sf).
- Gangway Access Platform: Assume timber piles 12” in diameter.
6 piles@1 sf/ea=6 sf direct impact.
- Floating Concrete Docks (Dock A): Assume steel pipe piles 16” diameter.
55 piles@1.4 sf/each= 77 sf direct impact
- Floating Concrete Attenuation Docks (Dock A): Assume steel pipe piles 20” diameter. 20 piles@2.2 sf/ea= 44 sf direct impact
- Floating Concrete Docks (Dock B): Assume steel pipe piles 16” diameter.
55 piles@1.4 sf/each= 77 sf direct impact
Remove 9, 12” wood piles 9 sf
Net impact = 68 sf
- Floating Timber Docks (Dock C): Timber piles 12” in diameter
40 piles@1 sf/ea=40 sf direct impact

Additionally, the following Best Management Practices (BMPs) will be encouraged and/or required for all pile driving activities:

- Contractor shall use cushion blocks or other noise attenuation devices when using an impact hammer.
- Contractor shall use a “soft start” for a pile driving activities (i.e. - driving does not occur at full power at first).

Dredging

Dredging will be required to accommodate the increased size and number of vessels that will be utilizing the facility. The dredge plan (Sheet 15-17 of the Permit Drawings) was developed to minimize the total volume of dredging required while maximizing the operational efficiency and safe navigation for visiting vessels. Tomorrow

Proposed dredge depths are indicated in the Permit Drawings and range from -6’ to -13’ relative to Mean Low Water (MLW). The proposed dredge plan results in a total of approximately 12,520 cy of excavation encompassing an area of approximately 138,000 sf or 3.2 acres.

Coastal Wetland Impacts

The impacts associated with existing improvements and proposed improvements are summarized below:

Year	Structure Description	Coastal Wetland Impact				Notes:
		Direct		Indirect		
		Sub-Tidal(sf)	Intertidal(sf)	Sub-Tidal(sf)	Intertidal(sf)	
2000	Breakwater restoration, Pier, and Dredge (2000)	1068				1
2008	Boat House Conversion	0				2
2010	Some Floats and Piles added	16		3211		3
2021	Pilings	235				4
	Floats (Docks A, B, and C)			23,880		
	Access Pier and Ramp Dock A				672	
	Landward extension of pier w/footings		116		205	5,6
	Existing Impact Totals	1084		3211		
	Proposed 2021 Impact Totals	235	116	23880	877	
	Cumulative Direct/Indirect Impact Total	1435		27968		

- 1 Include a combination of sub-tidal and tidal (amounts unknown)
- 2 All work adjacent to the resource, 1386 sf
- 3 Note: 65 sf of direct and 13,160 sf of indirect impact were approved in 2010
- 4 244 sf of impact from proposed piles less 9 sf of replaced piles in Dock B. Net 235 sf
- 5 660 sf of the proposed pier extension adjacent to the coastal wetland in area of existing riprap
- 6 All impact is on a previously placed riprap revetment

ATTACHMENT 2

ALTERNATIVES ANALYSIS

Purpose and Need

As mentioned previously, expansion of this marina has been contemplated for well over 10 years and the need for transient dockage has only grown during that time. In fact, according to the Maine Coast Guide (www.maineoastguide.com), “Maine is arguably one of the best cruising grounds in the world. It combines the best of broad ocean passages, magnificent rivers, coastal islands and mountains, and even a fjord. Wildlife abounds, as do safe harbors, and often you can feel as if you are one of only a few lucky souls out there exploring in your own boat.” Additionally, Rockland has become a unique and novel destination for transient boaters in and of itself.

The Safe Harbor Rockland Marina is one of only four (4) commercial marinas located in Rockland offering dockage for transient vessels. While each of these facilities technically offers transient dockage, none of them offer a similar setting and amenities with space for larger boats. Rockland Public Landing is a small municipal marina with limited/basic amenities, The Landings Marina is located in the commercial fishing district, and Journey’s End Marina is a service-oriented boatyard facility. The Safe Harbor Rockland Marina is located outside of the commercial fishing district, has new well-appointed amenities, offers onsite fine dining, and maintains a park-like upland setting that is drastically different from the other facilities.

Based on the above, the need is well established and in 2017 a Boating Infrastructure Grant (administered by USFWS and MDOT) was awarded for the sole purpose of expanding and improving transient dockage at the marina. The grant is active, and the project must be completed by September 2022 before the grant expires. Please note that the initial permitting effort was delayed by dredge material sampling and testing for offshore disposal, but this has since been resolved with beneficial use approval of the dredge material for a gravel pit reclamation.

Alternative Analysis

Alternative 1 – Do Nothing

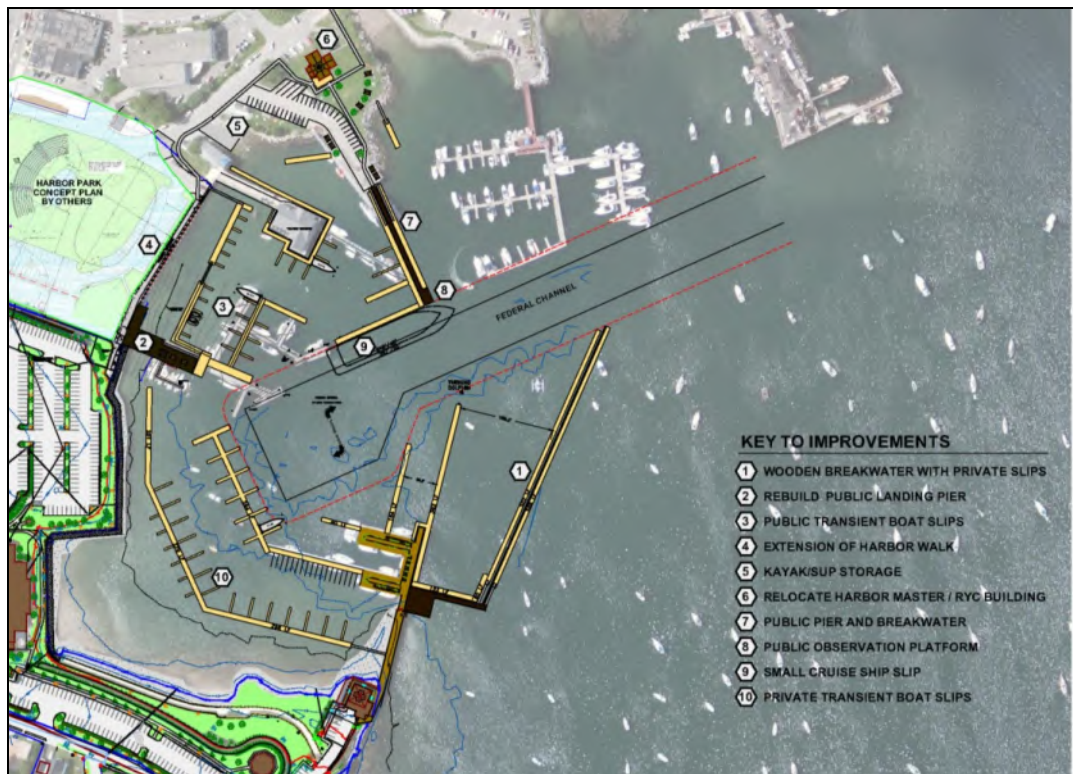
The option to do nothing is unacceptable. Not only would it in the loss of over \$1,000,000 in federal grant funding, but it would also be a missed opportunity for economic growth and viability of the marine related industry in the Rockland area.

Alternative 2 – Pursue Other Sites

As established in the purpose and need summary, this site is well suited to transient boating with the setting and amenities that transient boaters want. Rockland, with its downtown museums, restaurants, and shopping is an ideal stopping point for transient boaters heading to destinations further down east and in the Canadian Maritimes. Since Safe Harbor Marinas owns an existing marina with room to expand, it does not make sense to develop a marina in another location. Starting a new marina in another location would likely prove economically unviable and would also result in more extensive environmental impacts than the expansion of the existing facility.

Alternative 3 – Pursue Larger Project

Early in the planning phase and shortly after obtaining the Boating Infrastructure Grant, the applicant engaged with the City of Rockland, local stake holders, and the public about considering a larger Inner Harbor project. The thought being that the marina expansion could leverage a larger public/private project to help solve inner harbor problems. Below is an image of this overall Inner Harbor plan:



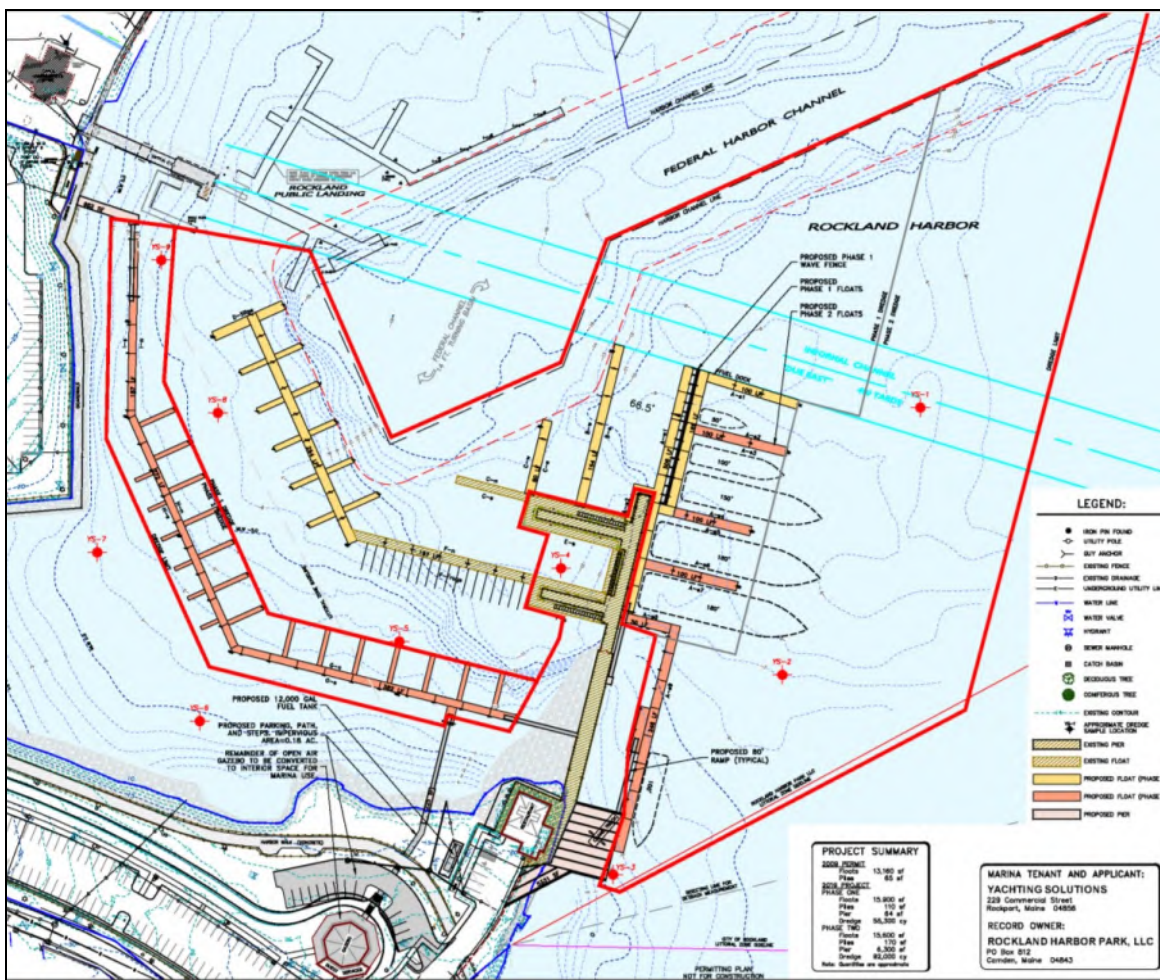
This ambitious plan tried to tackle numerous public problems in addition to providing a substantially larger marina expansion. Unfortunately, it was met with some public opposition concerning impact to views from the breakwater and

broadside boats and relocation of a city channel. Due to this opposition, this marina expansion option was abandoned.

Avoidance and Minimization

Reduce Size of Project

As discussed above, the project size has been reduced to accommodate public sentiment. As a result, the amount of direct and indirect sub-tidal impacts will be significantly reduced. By way of example, below is in image of an earlier concept that shows a much larger dredge area (shown in red) envisioned for the larger Inner Harbor project:



The dredge area shown above is over 11 acres. The current project has minimized the dredge area to approximately 3.0 acres

Minimize View Impact

Prior marina expansion concepts contemplated a wooden, all tide wavebreak (similar to the existing wavebreak) extending further out into the harbor. This arrangement also included accommodation for large vessels docked broadside to the view from Rockland Public Landing. The current arrangement uses wave attenuating floats and allows for boats to be docked with the stern or bow toward the view from Rockland Public Landing, thereby minimizing impact on views. It should also be noted the City docks cruise ships at its facility in a manner that is partially broadside to the view from the Public Landing (see Photo 1).

Reduce Scope of Pier Extension

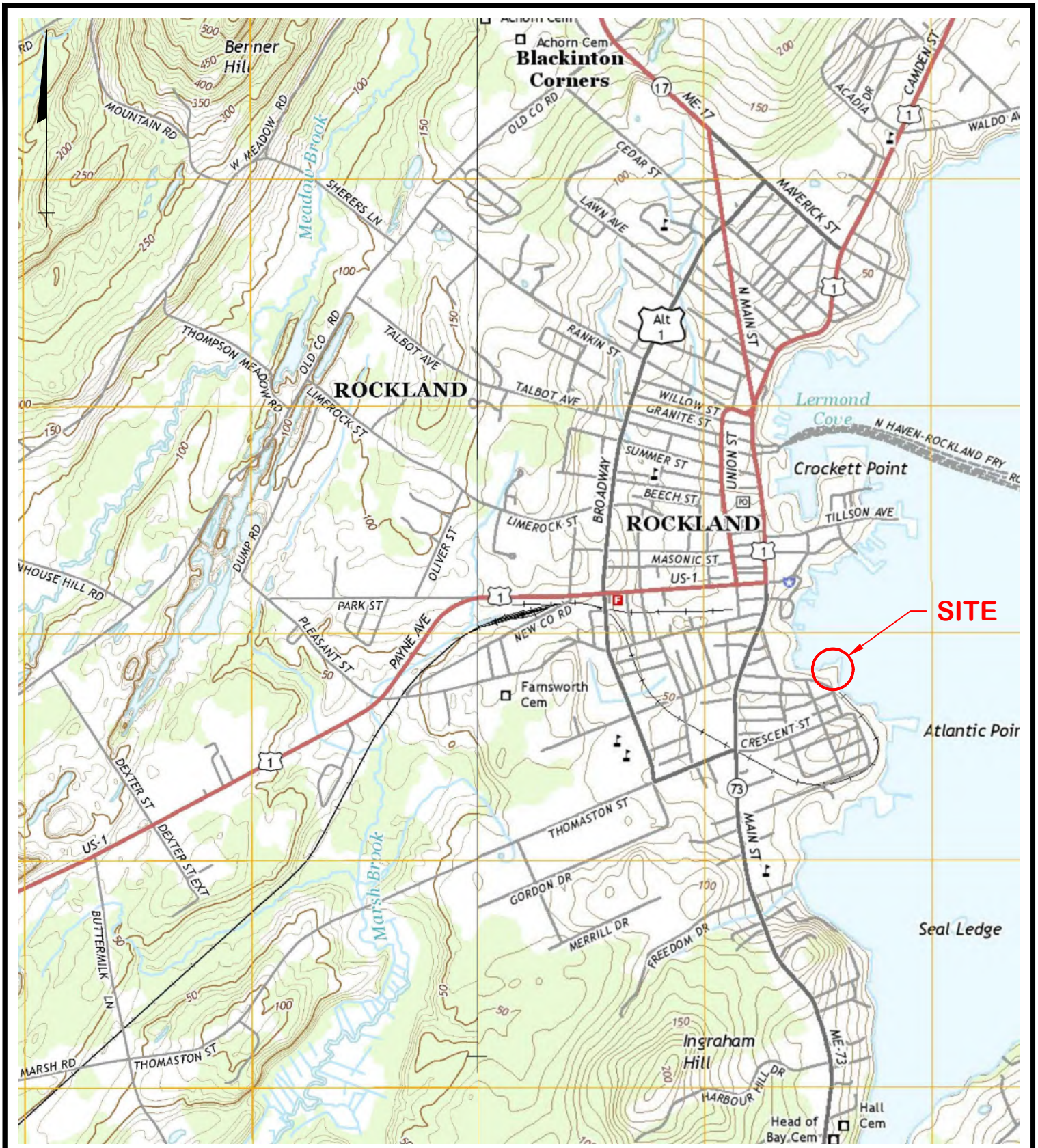
As is evident in the image above, the scope of landward pier extension originally planned for accommodation of vehicles and a crane truck for servicing boats. This type of use has been eliminated from the scope and the pier extension will now be intended for pedestrian use only. This change represents an approximately 4,000 sf reduction in pier extension and will minimize both direct and indirect impacts in the intertidal zone.

Conclusion

We believe the information above demonstrates that the this thoughtfully designed project has minimized and avoided impacts to the coastal wetlands and responded to public sentiment, while accomplishing the project purpose and need.

ATTACHMENT 3

USGS QUADRANGLE SITE LOCATION MAP
and
AERIAL TAX MAP



FROM THE ROCKLAND AND THOMASTON, MAINE 7.5 MINUTE USGS QUADRANGLES

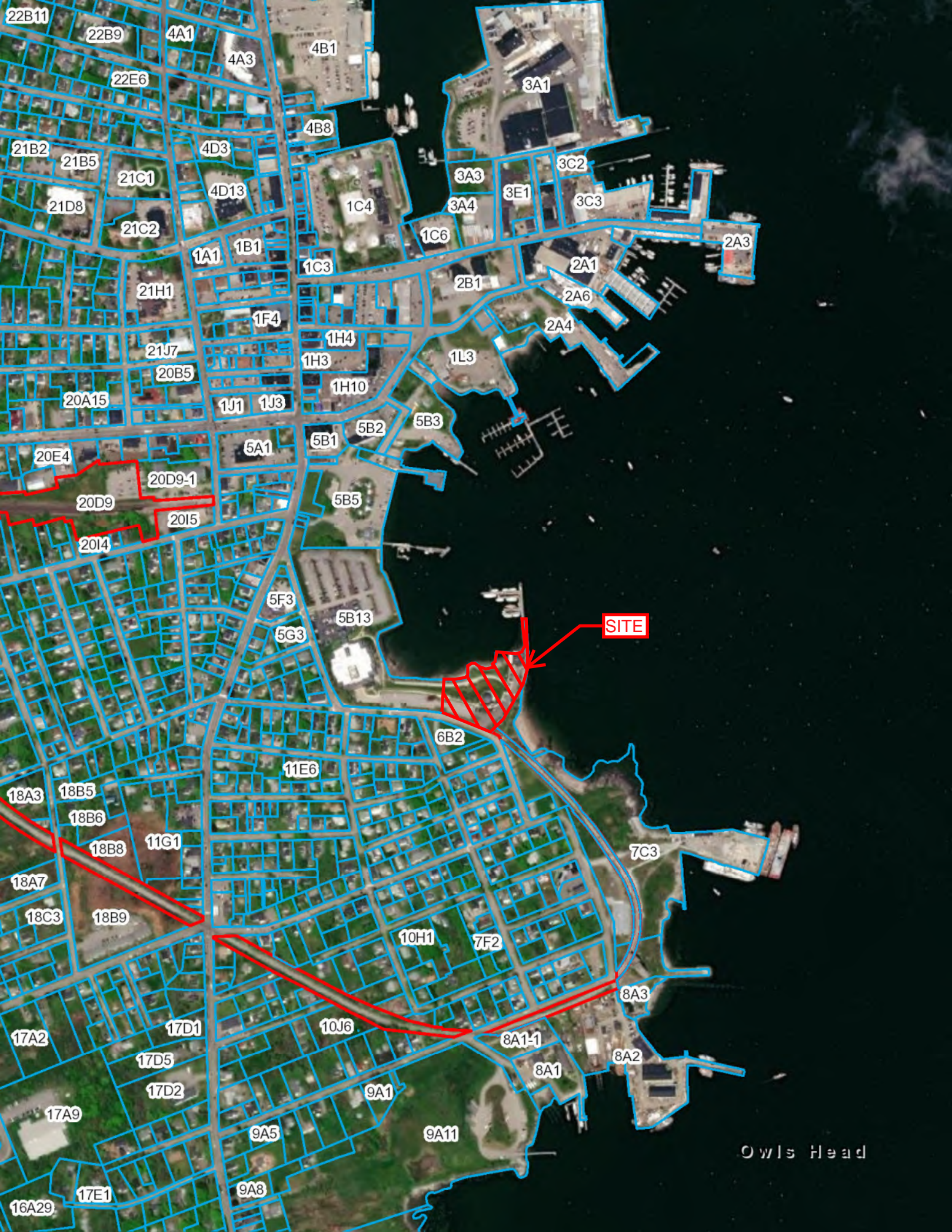


135 ROCKLAND STREET ROCKPORT, MAINE 04856 PHONE: (207) 236-6757 WWW.LANDMARKMAINE.COM

**SH ROCKLAND MARINA EXPANSION
LOCATION MAP
ROCKLAND, MAINE**

SCALE: 1"=2000'

JUNE 10, 2021

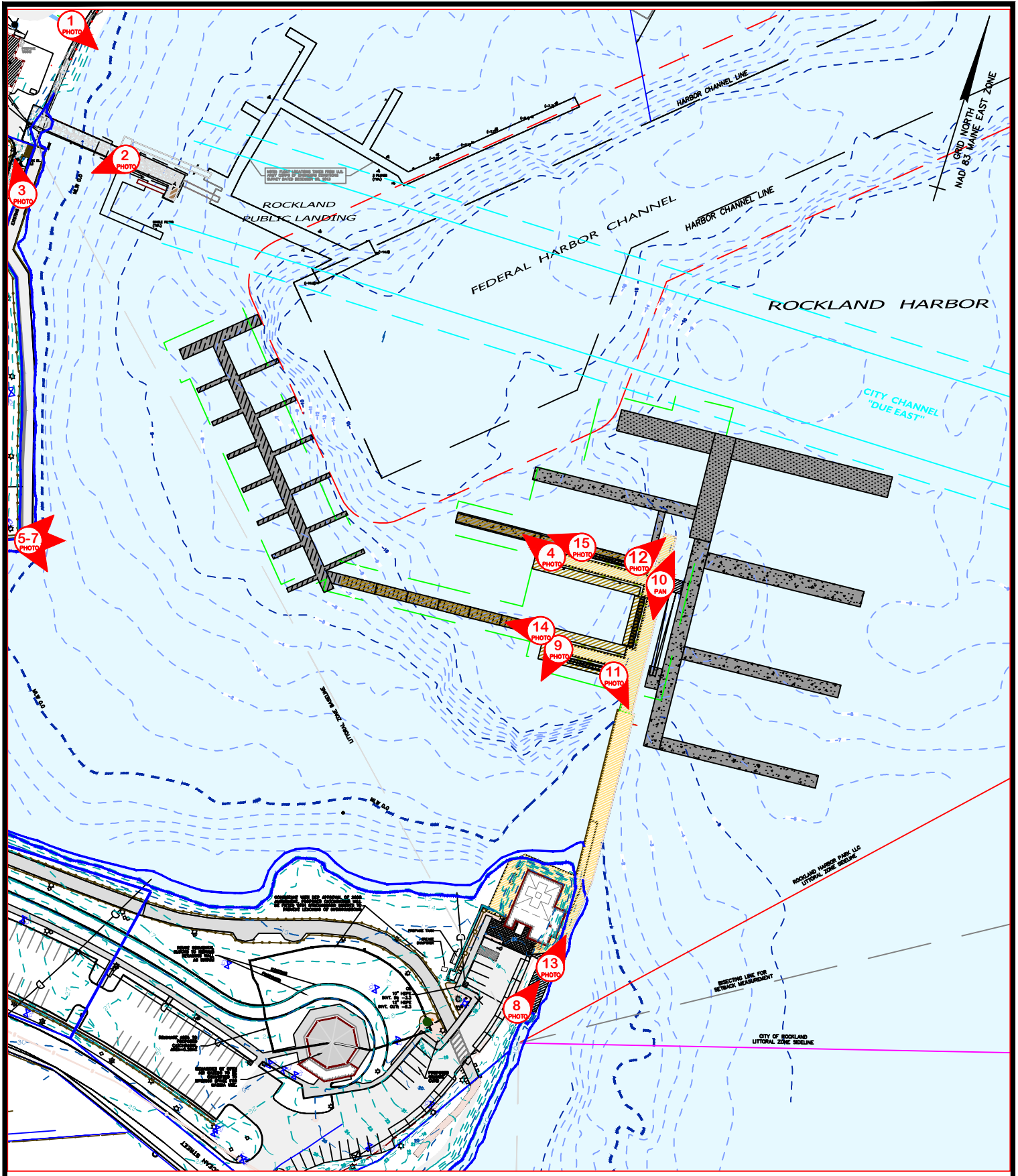


SITE

Owls Head

22B11 22B9 4A1 4A3 4B1 4B8 3A1 3A3 3A4 3E1 3C2 3C3 2A3 2A1 2A6 2A4 2B1 1C4 1C3 1C6 1A1 1B1 1C3 1H4 1H3 1H10 1L3 21B2 21B5 21C1 4D3 4D13 21C2 21H1 1F4 21J7 20B5 1H4 1H3 1H10 1L3 20A15 20A15 1J1 1J3 5B1 5B2 5B3 5B5 5B13 5F3 5G3 20E4 20D9-1 20D9 2015 2014 6B2 11E6 18A3 18B5 18B6 18B8 11G1 18A7 18C3 18B9 10H1 7F2 7C3 17A2 17D1 10J6 8A3 17D5 17D2 9A1 8A1-1 8A1 8A2 17A9 9A5 9A11 9A8 16A29 17E1 2A3

ATTACHMENT 4
PHOTOS OF AREA




LANDMARK CORPORATION
 SURVEYORS & ENGINEERS
 135 Rockland Street Rockport, Maine 04856 Phone: (207) 236-6757 www.landmarkmaine.com

SH ROCKLAND - NRPA APPLICATION
PHOTO KEY
ROCKLAND, MAINE

SCALE: 1"=120'

JUNE 2021

PHOTOS OF PROJECT SITE



Photo 1: Harbor Park toward marina expansion (6-12-19)



Photo 2: Public Landing toward proposed marina access (6-12-19)



Photo 3: Boardwalk toward Harbor Master Building (6-12-19)



Photo 4: Existing pier toward Harbor Master Building (6-12-19)

PHOTOS OF PROJECT SITE



Photo 5, 6, and 7: Boardwalk toward marina expansion area (Public Landing to Gazebo) (6-12-19)



Photo 8: Shore toward wharf expansion (6-12-19)



Photo 9: Existing Pier looking toward Gazebo (6-12-19)

PHOTOS OF PROJECT SITE



Photo 10: Panoramic Photo looking East from the existing pier (6-22-21)



Photo 11: End of Jetty



Photo 12: End of Wavebreak



Photo 13: Beginning of Pier

PHOTOS OF PROJECT SITE



Photo 15 Looking west at existing floats











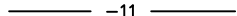


Photo 14: Looking west at existing floats

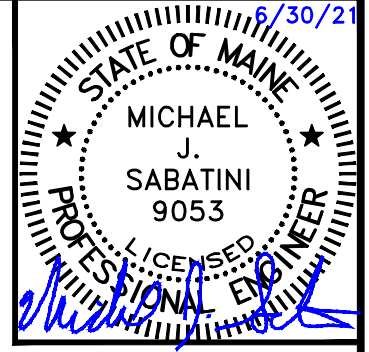
ATTACHMENT 5

PLANS OF ACTIVITY

SHEET 1 OF 17	– LEGEND
SHEET 2 OF 17	– EXISTING CONDITIONS PLAN
SHEET 3 OF 17	– PROPOSED IMPROVEMENTS OVERVIEW
SHEET 4 OF 17	– PROPOSED DOCK COORDINATES
SHEET 5 OF 17	– ANCHOR PILE PLAN
SHEET 6 OF 17	– DOCK A DIMENSION PLAN
SHEET 7 OF 17	– DOCK B DIMENSION PLAN
SHEET 8 OF 17	– DOCK C DIMENSION PLAN
SHEET 9 OF 17	– TYPICAL CONCRETE FLOATING DOCK DETAIL
SHEET 10 OF 17	– TYPICAL CONCRETE FLOATING ATTENUATER DETAIL
SHEET 11 OF 17	– TYPICAL TIMBER FLOATING DOCK DETAIL
SHEET 12 OF 17	– TYPICAL ACCESS PLATFORM & GANGWAY DETAILS
SHEET 13 OF 17	– SHOREWARD PIER EXTENSION LAYOUT
SHEET 14 OF 17	– TYPICAL LANDWARD PIER EXTENSION SECTION
SHEET 15 OF 17	– PROPOSED DREDGE PLAN
SHEET 16 OF 17	– PROPOSED DREDGE SECTIONS
SHEET 17 OF 17	– TURBIDITY CONTROL NOTES AND DETAILS

LEGEND:

-  PROPERTY LINE
-  EXISTING CONTOUR
-  EXISTING JETTY/PIER
-  EXISTING FLOATING DOCKS
-  PROPOSED CONCRETE FLOATING DOCKS
-  PROPOSED CONCRETE FLOATING WAVE ATTENUATOR DOCKS
-  PROPOSED TIMBER FLOATING DOCKS
-  EXISTING JETTY/PIER
-  PROPOSED CONTOUR
-  PROPOSED PILE
-  PHOTOGRAPH LOCATION
(SEE PHOTO KEY, ATTACHMENT 3)



PLAN NOTES:

1. THESE PLANS ARE FOR NRPA PERMITTING ASSOCIATED WITH EXPANSION OF SAFE HARBOR-ROCKLAND MARINA IN ROCKLAND, MAINE.
2. PROPERTY LINES SHOWN ARE TAKEN FROM THE PLAN TITLED "STANDARD BOUNDARY SURVEY, BRACEBRIDGE CORPORATION, FISHER ENGINEERING PROPERTIES, WATER & OCEAN STREETS" DATED APRIL 19, 2000 AND PREPARED BY COFFIN ENGINEERING AND SURVEYING AND A PLAN TITLED CONVEYANCE PLAN - BAYVIEW MANAGEMENT, DATED NOVEMBER 30, 2020, PREPARED BY GARTLEY & DORSKY.
3. ELEVATIONS SHOWN ARE REFERENCED TO MEAN LOW WATER (MLW) AND ARE TAKEN FROM THE PLAN TITLED "ROCKLAND HARBOR PARK, LLC, TRIDENT YACHT BASIN", DATED DECEMBER 17, 2009 AND PREPARED BY GARTLEY AND DORSKY. ADDITIONAL BATHYMETRIC DATA CONDUCTED BY ECO-ANALYSTS IN NOVEMBER OF 2017 HAS BEEN INCORPORATED.
4. PROPOSED FLOATS, PILINGS, PIER, AND DREDGING ARE DESIGNED BY APPLIED TECHNOLOGY MANAGEMENT, INC.



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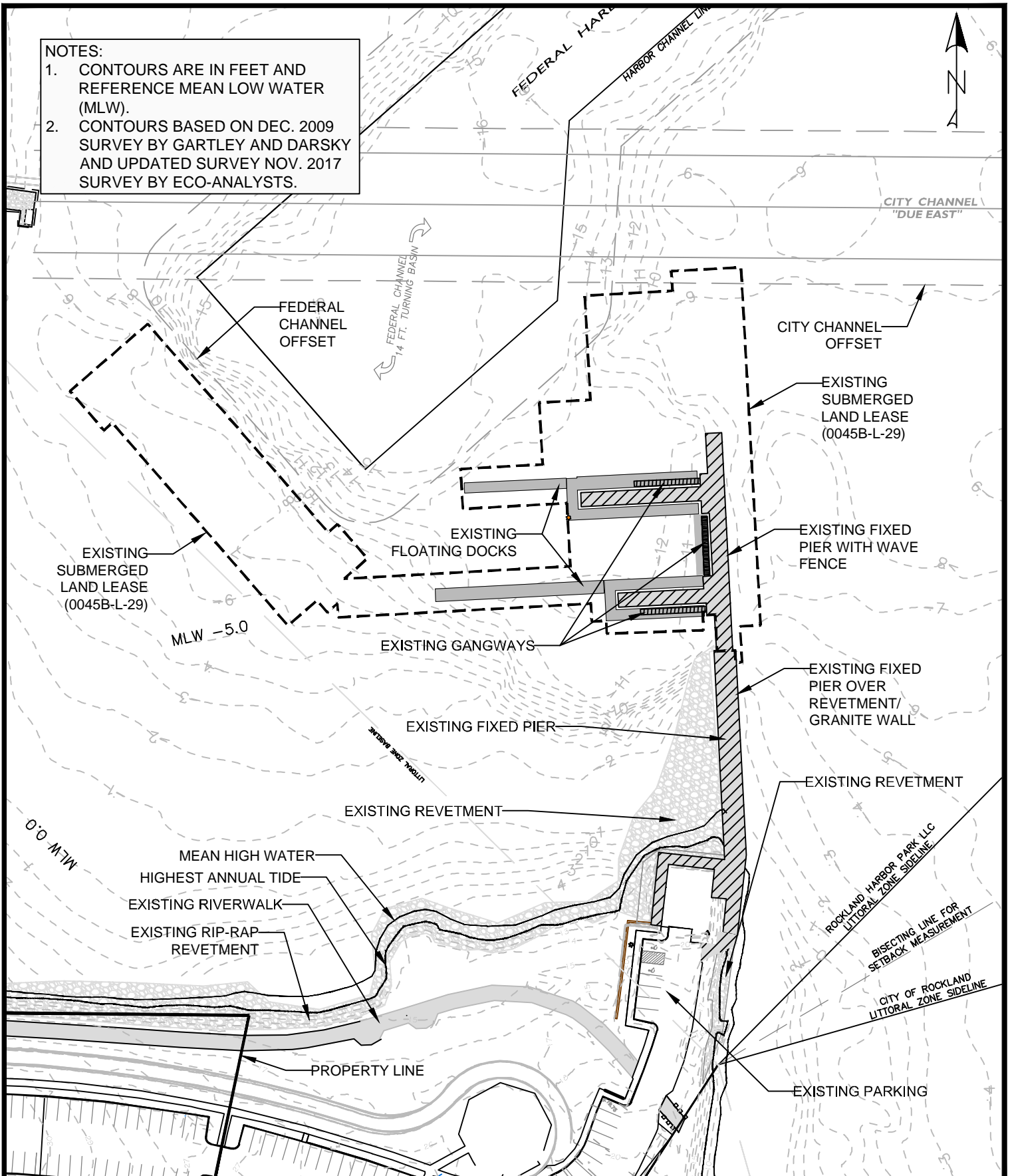
SH ROCKLAND - MARINA EXPANSION
NRPA PERMIT APPLICATION
ROCKLAND, MAINE

SCALE: N/A

JUNE 2021

NOTES:

1. CONTOURS ARE IN FEET AND REFERENCE MEAN LOW WATER (MLW).
2. CONTOURS BASED ON DEC. 2009 SURVEY BY GARTLEY AND DASKY AND UPDATED SURVEY NOV. 2017 SURVEY BY ECO-ANALYSTS.



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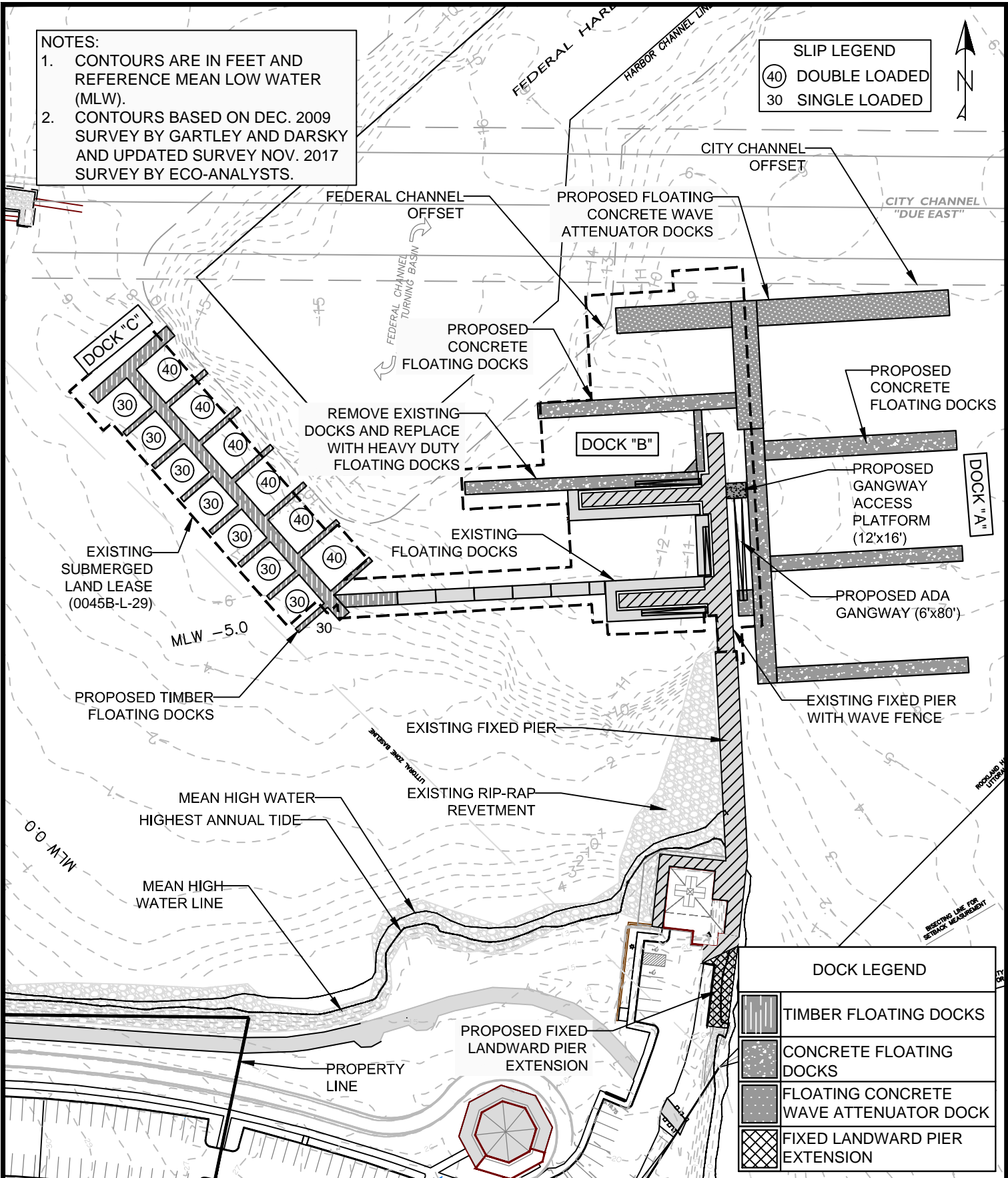
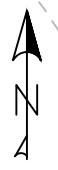
**SH ROCKLAND - NRPA APPLICATION
EXISTING CONDITIONS PLAN
ROCKLAND, MAINE**

SCALE: 1"=100'

JUNE 2021

NOTES:
 1. CONTOURS ARE IN FEET AND REFERENCE MEAN LOW WATER (MLW).
 2. CONTOURS BASED ON DEC. 2009 SURVEY BY GARTLEY AND DASKY AND UPDATED SURVEY NOV. 2017 SURVEY BY ECO-ANALYSTS.

SLIP LEGEND
 (40) DOUBLE LOADED
 30 SINGLE LOADED



DOCK LEGEND

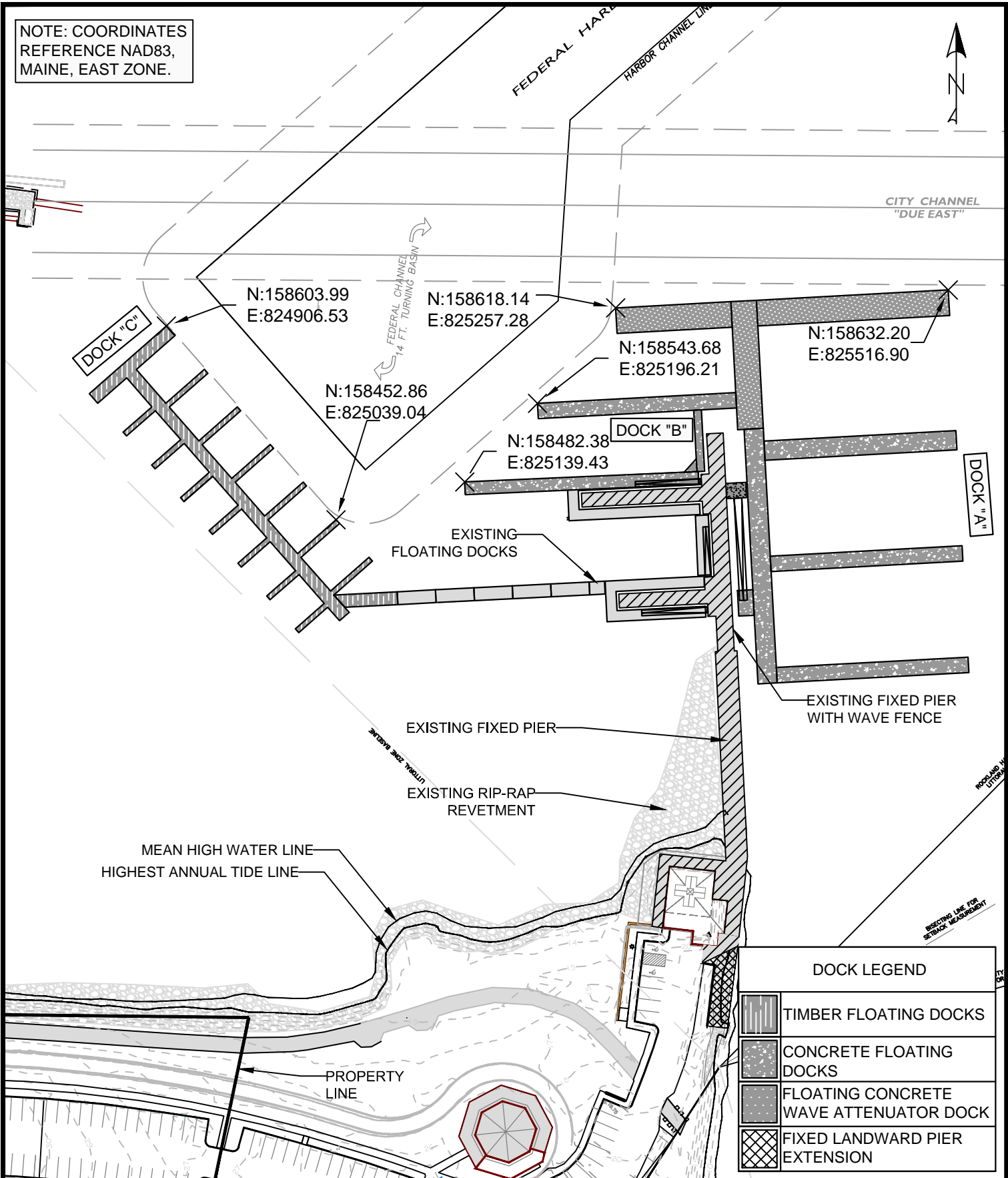
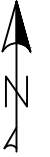
	TIMBER FLOATING DOCKS
	CONCRETE FLOATING DOCKS
	FLOATING CONCRETE WAVE ATTENUATOR DOCK
	FIXED LANDWARD PIER EXTENSION

LANDMARK CORPORATION
 SURVEYORS & ENGINEERS
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**SH ROCKLAND - NRPA APPLICATION
 PROPOSED IMPROVEMENTS OVERVIEW
 ROCKLAND, MAINE**

SCALE: 1"=100' JUNE 2021

NOTE: COORDINATES
REFERENCE NAD83,
MAINE, EAST ZONE.



DOCK LEGEND	
	TIMBER FLOATING DOCKS
	CONCRETE FLOATING DOCKS
	FLOATING CONCRETE WAVE ATTENUATOR DOCK
	FIXED LANDWARD PIER EXTENSION



LANDMARK CORPORATION

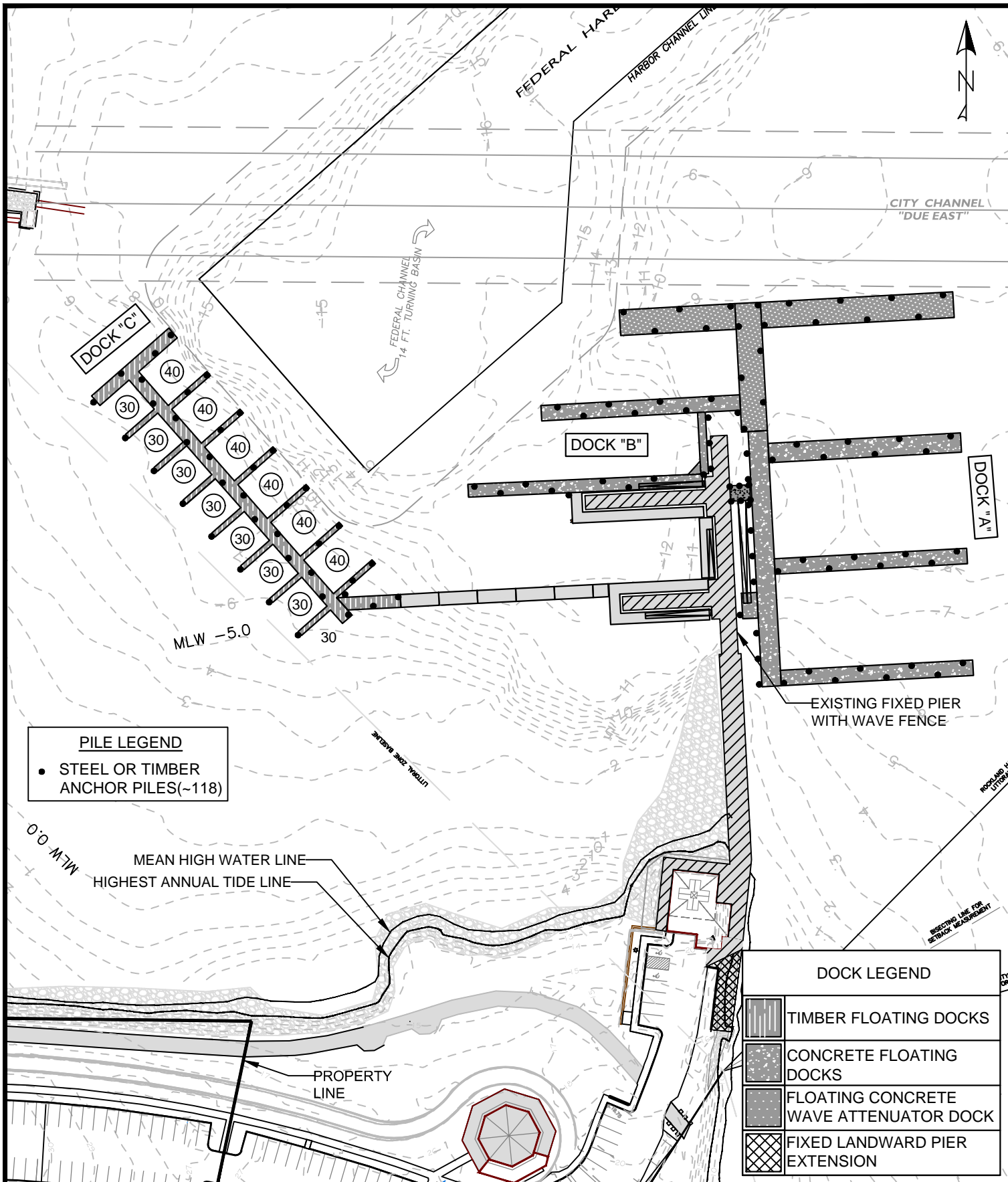
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**SH ROCKLAND - NRPA APPLICATION
PROPOSED DOCK COORDINATES
ROCKLAND, MAINE**

SCALE: 1"=100'

JUNE 2021



PILE LEGEND

- STEEL OR TIMBER ANCHOR PILES (~118)

DOCK LEGEND	
	TIMBER FLOATING DOCKS
	CONCRETE FLOATING DOCKS
	FLOATING CONCRETE WAVE ATTENUATOR DOCK
	FIXED LANDWARD PIER EXTENSION



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**SH ROCKLAND - NRPA APPLICATION
APPROXIMATE ANCHOR PILE PLAN
ROCKLAND, MAINE**

SCALE: 1"=100'

JUNE 2021

FEDERAL CHANNEL
OFFSET

CITY CHANNEL
"DUE EAST"

PROPOSED FLOATING
CONCRETE WAVE
ATTENUATOR DOCKS

CITY CHANNEL
OFFSET

DOCK "A" T-HEAD

260'

20'

90'

150'

(B)

51'

155'

90'

PROPOSED
CONCRETE
FLOATING DOCKS

6'

15'

47'

172'

150'

DOCK "A"

(D)

PROPOSED GANGWAY
ACCESS PLATFORM (12'x16')

75'

EXISTING GANGWAY
(TO REMAIN)

PROPOSED ADA
COMPLIANT GANGWAY
(6'x80')

12'

PROPOSED
LANDING FLOAT
(12'x20')

75'




EXISTING GANGWAY
(TO REMAIN)

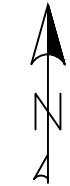
(A)

12'

15'

LEGEND

	TIMBER FLOATING DOCKS
	CONCRETE FLOATING DOCKS
	FLOATING CONCRETE WAVE ATTENUATOR DOCK



LANDMARK CORPORATION

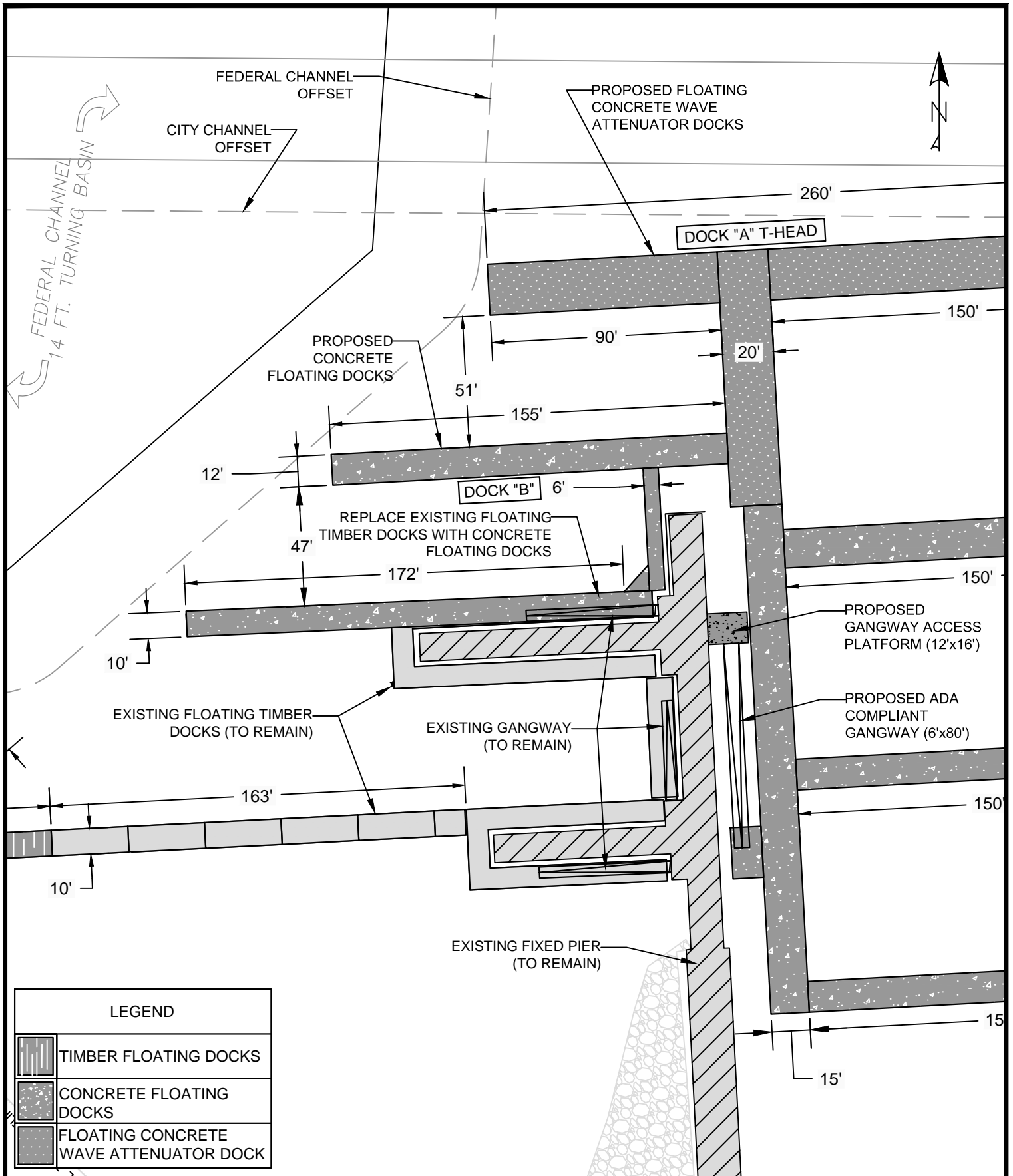
SURVEYORS & ENGINEERS




135 Rockland STREET ROCKPORT, MAINE 04856 PHONE: (207) 236-6757 WWW.LANDMARKMAINE.COM

SH ROCKLAND - NRPA APPLICATION
DOCK A DIMENSION PLAN
ROCKLAND, MAINE

SCALE: 1"=60'

JUNE 2021



LEGEND	
	TIMBER FLOATING DOCKS
	CONCRETE FLOATING DOCKS
	FLOATING CONCRETE WAVE ATTENUATOR DOCK



LANDMARK CORPORATION

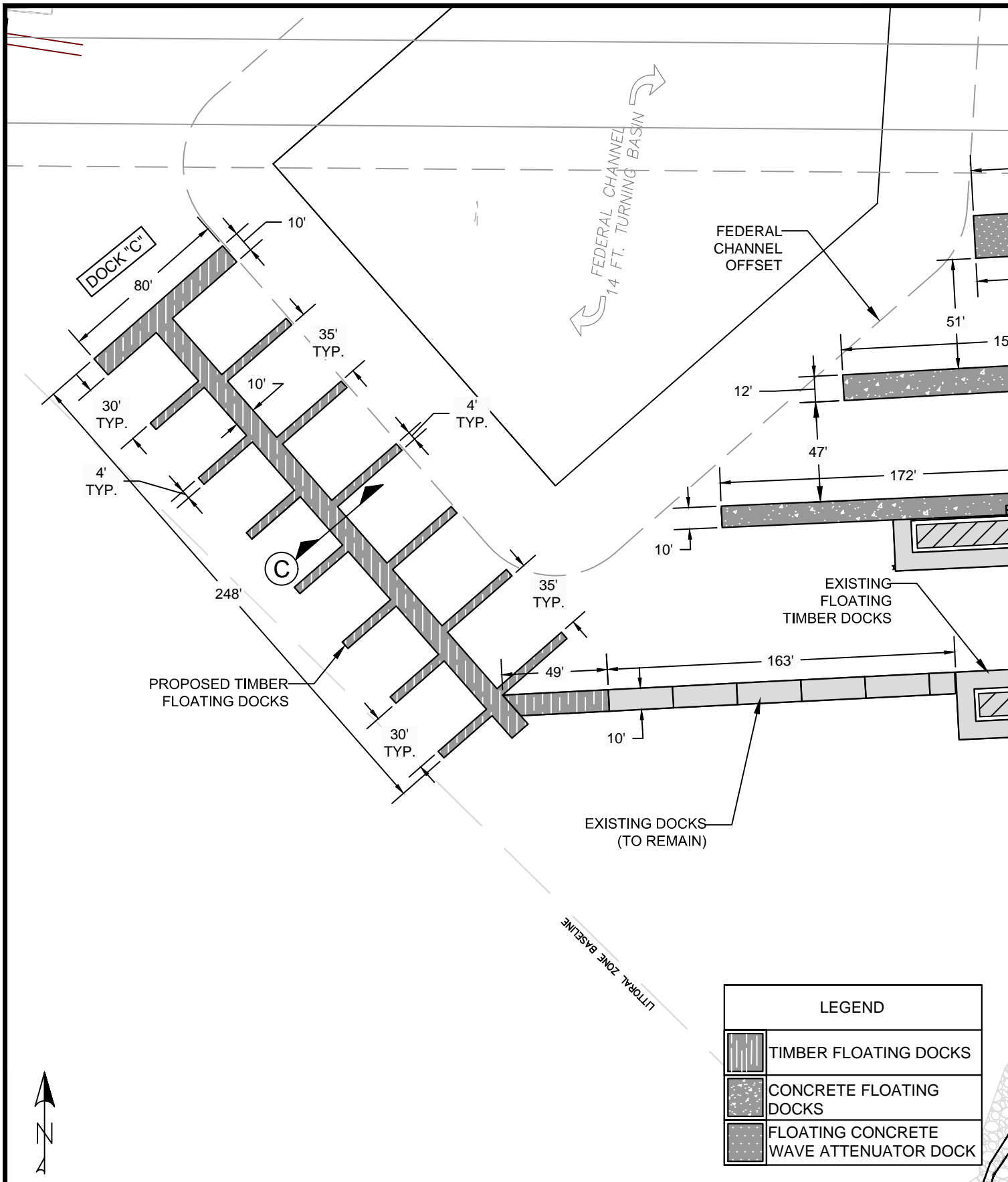
SURVEYORS & ENGINEERS

135 Rockland STREET ROCKPORT, MAINE 04856 PHONE: (207) 236-6757 WWW.LANDMARKMAINE.COM

**SH ROCKLAND - NRPA APPLICATION
DOCK B DIMENSION PLAN
ROCKLAND, MAINE**

SCALE: 1"=60'

JUNE 2021



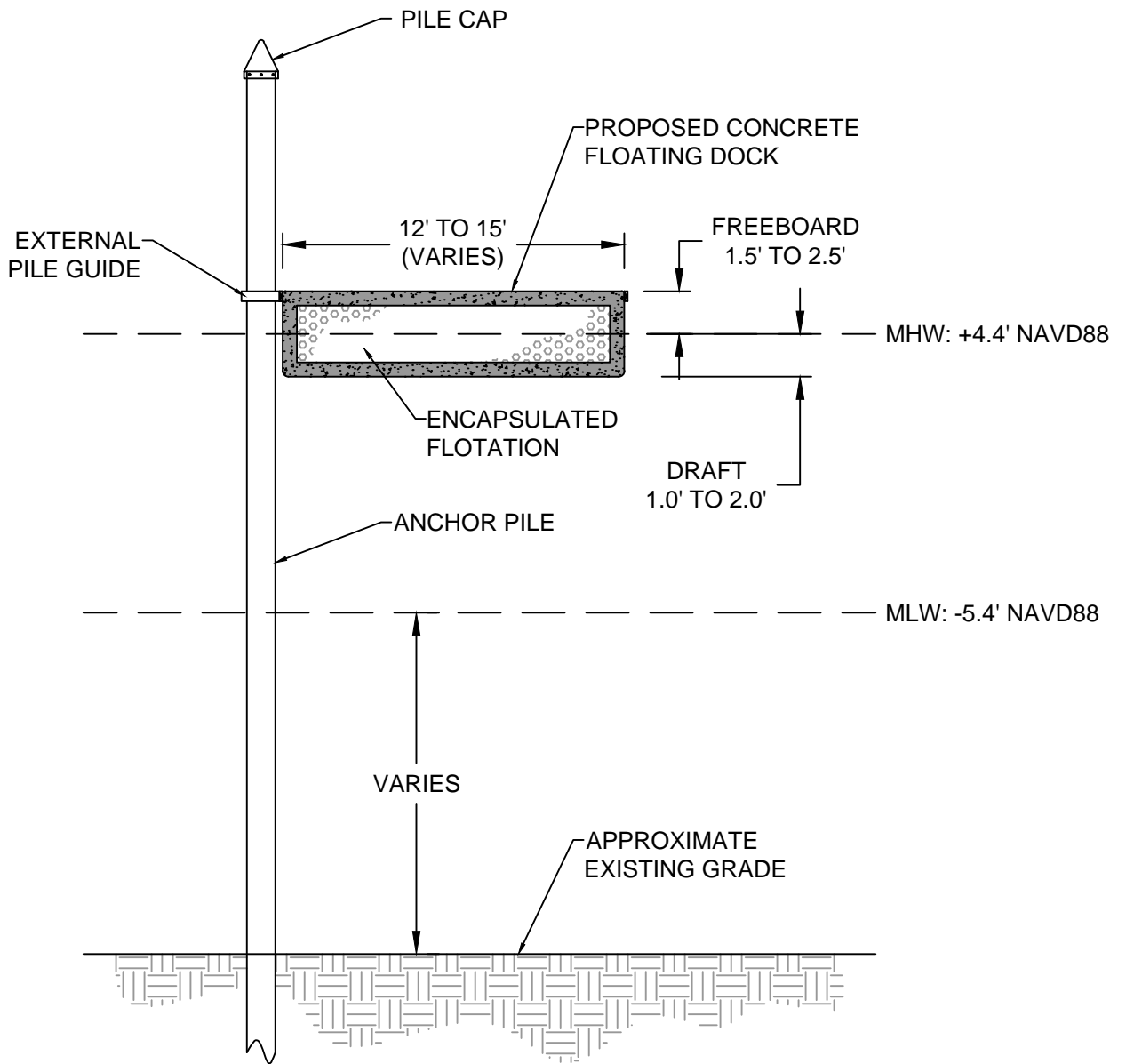
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**SH ROCKLAND - NRPA APPLICATION
 DOCK C DIMENSION PLAN
 ROCKLAND, MAINE**

SCALE: 1"=60'

JUNE 2021



(A) TYPICAL CONCRETE FLOATING DOCK SECTION



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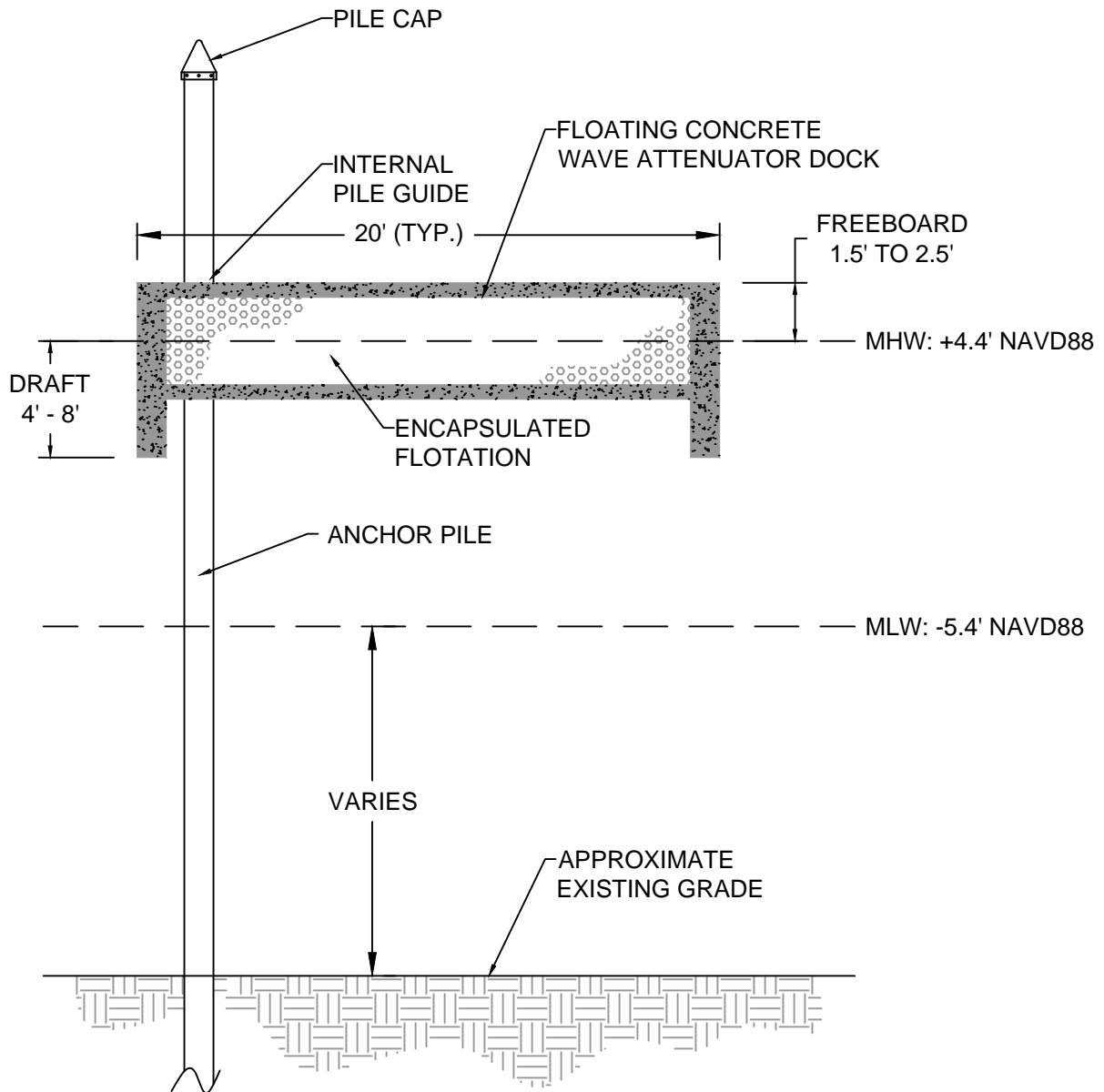
SURVEYORS & ENGINEERS

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SH ROCKLAND - NRPA APPLICATION
 TYPICAL CONCRETE FLOATING DOCK DETAILS
 ROCKLAND, MAINE

SCALE: 1"=6'

JUNE 2021



(B) TYPICAL FLOATING CONCRETE WAVE ATTENUATOR DOCK SECTION



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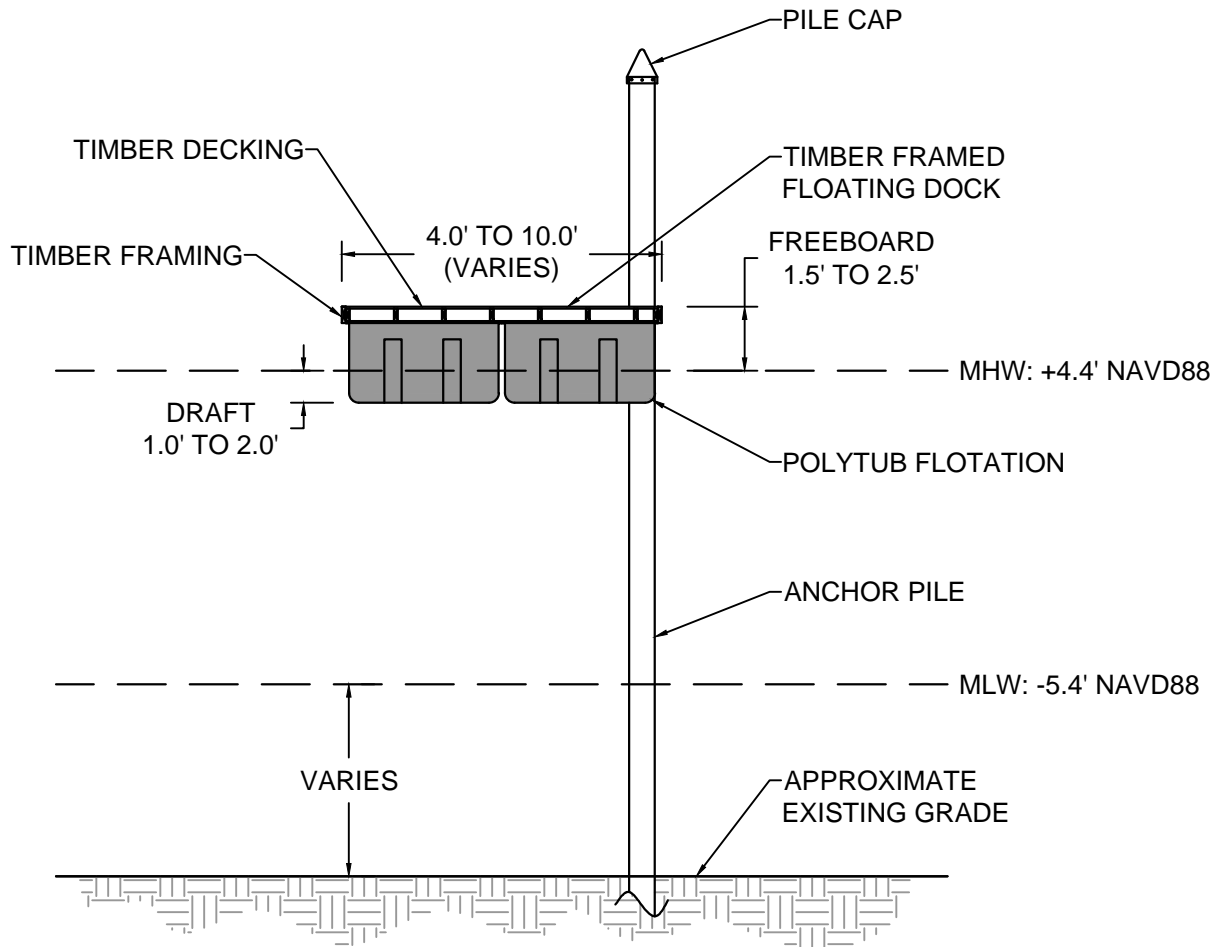
SURVEYORS & ENGINEERS

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SH ROCKLAND - NRPA APPLICATION
TYPICAL FLOATING CONCRETE WAVE ATTENUATOR
ROCKLAND, MAINE

SCALE: 1"=6'

JUNE 2021



© TYPICAL TIMBER FLOATING DOCK SECTION



LANDMARK CORPORATION

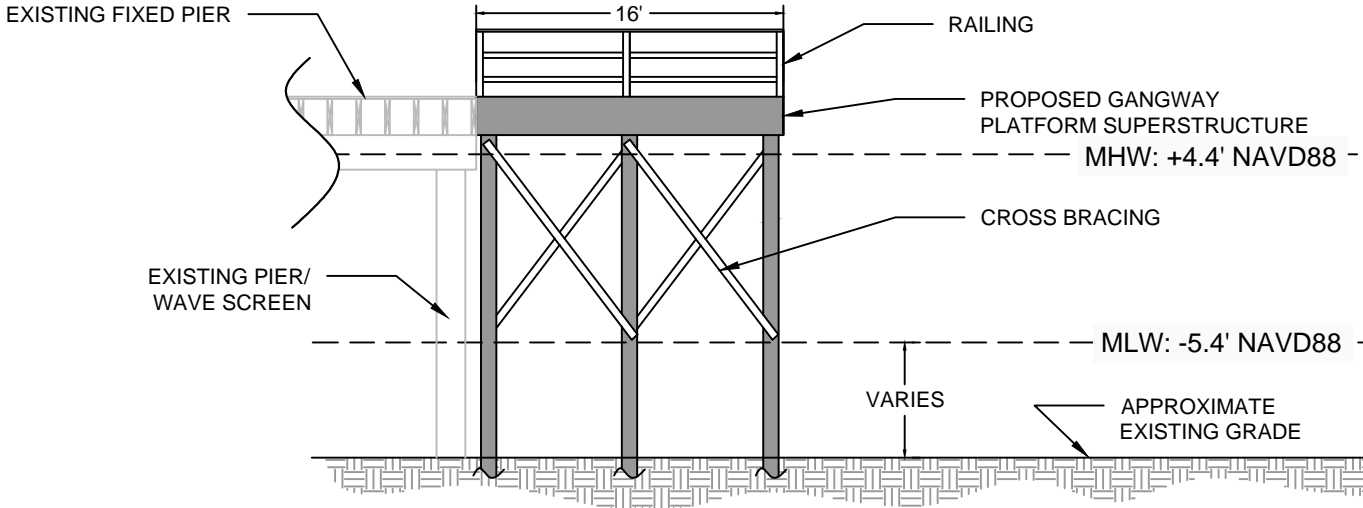
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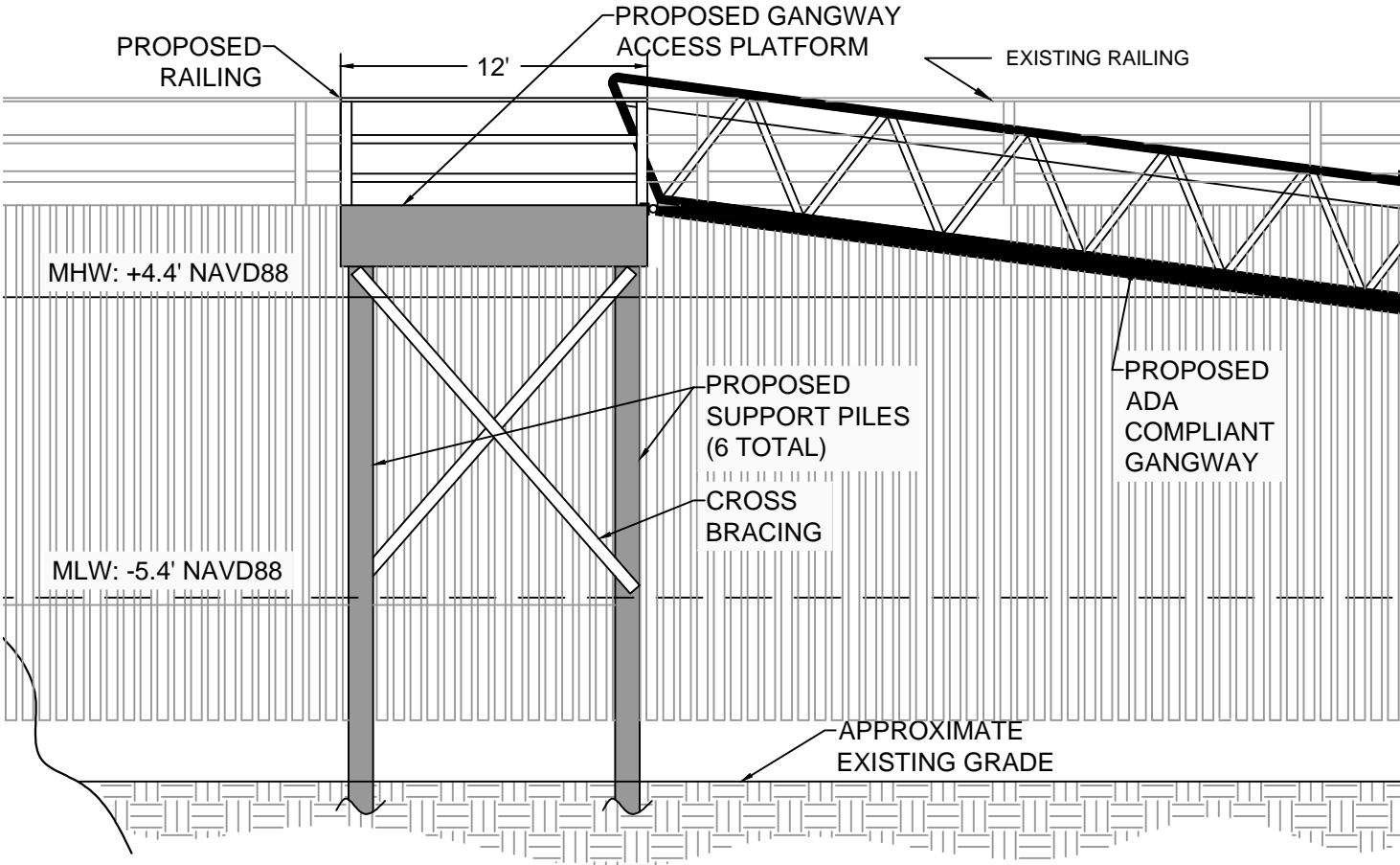
SH ROCKLAND - NRPA APPLICATION
TYPICAL TIMBER FLOATING DOCK DETAIL
ROCKLAND, MAINE

SCALE: 1"=6'

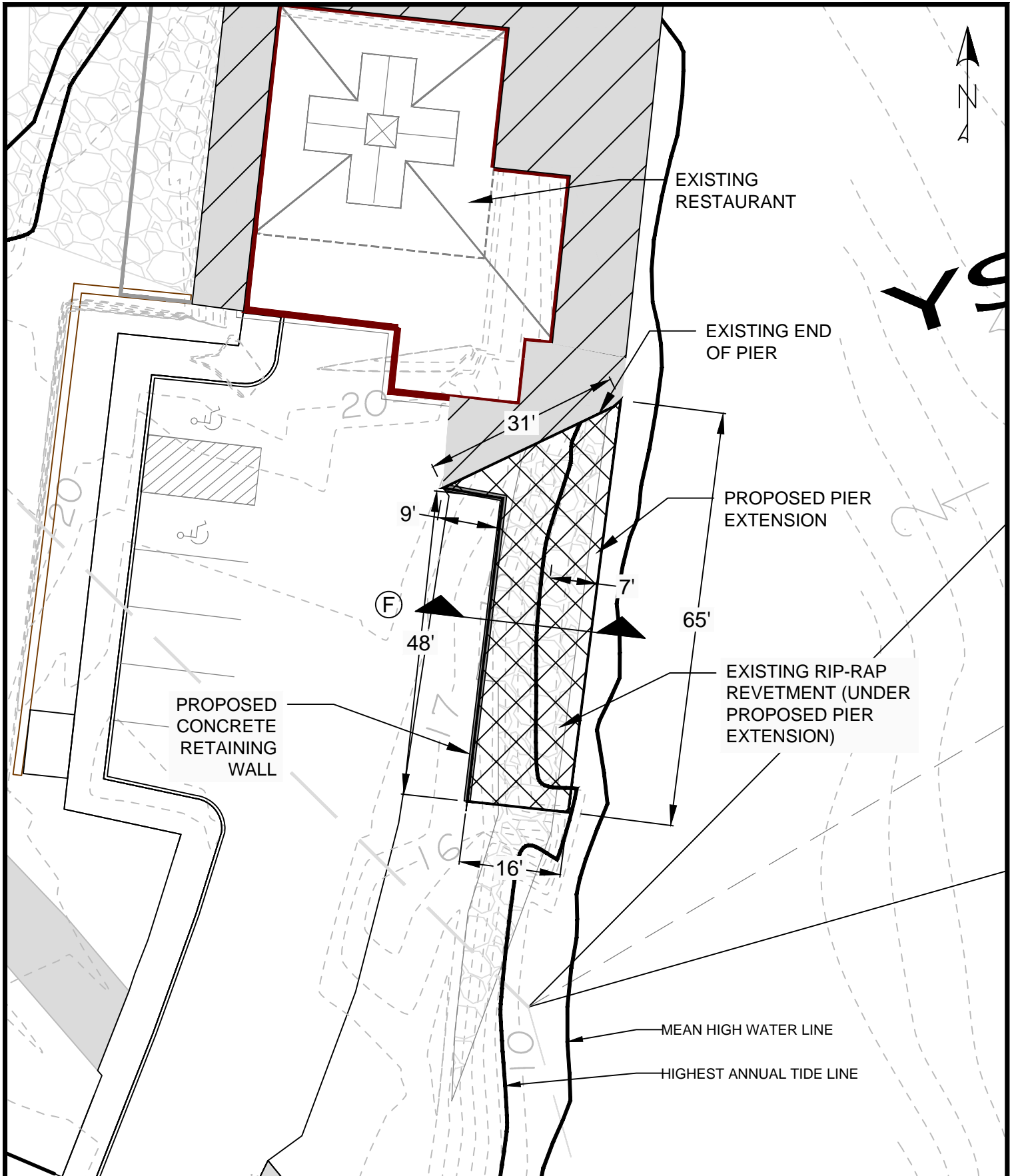
JUNE 2021



D TYPICAL GANGWAY ACCESS PLATFORM SECTION



E TYPICAL GANGWAY ACCESS PLATFORM SECTION



LANDMARK CORPORATION

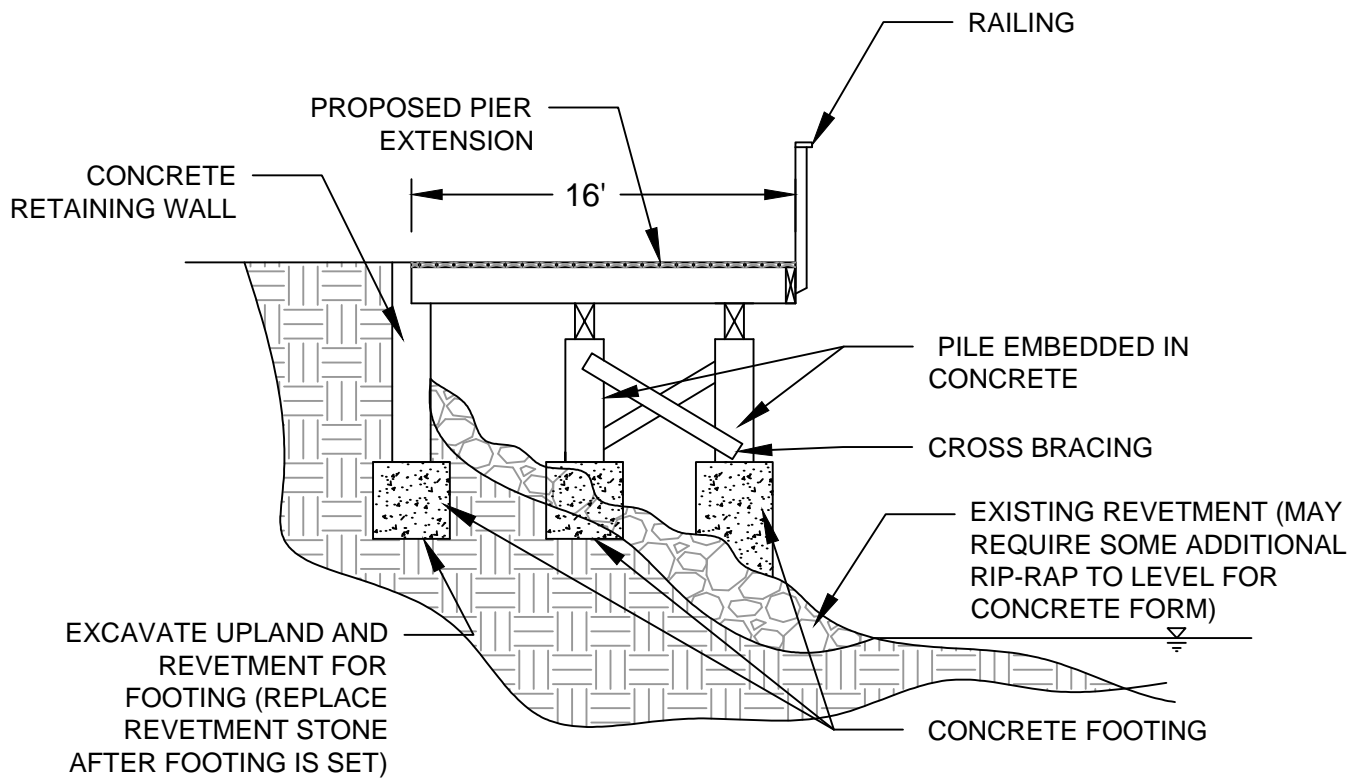
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**SH ROCKLAND - NRPA APPLICATION
SHOREWARD PIER EXTENSION LAYOUT
ROCKLAND, MAINE**

SCALE: 1"=20'

JUNE 2021



(F) TYPICAL LANDWARD FIXED PIER EXTENSION SECTION



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SH ROCKLAND - NRPA APPLICATION
TYPICAL LANDWARD PIER EXTENSION SECTION
ROCKLAND, MAINE

SCALE: NTS

JUNE 2021

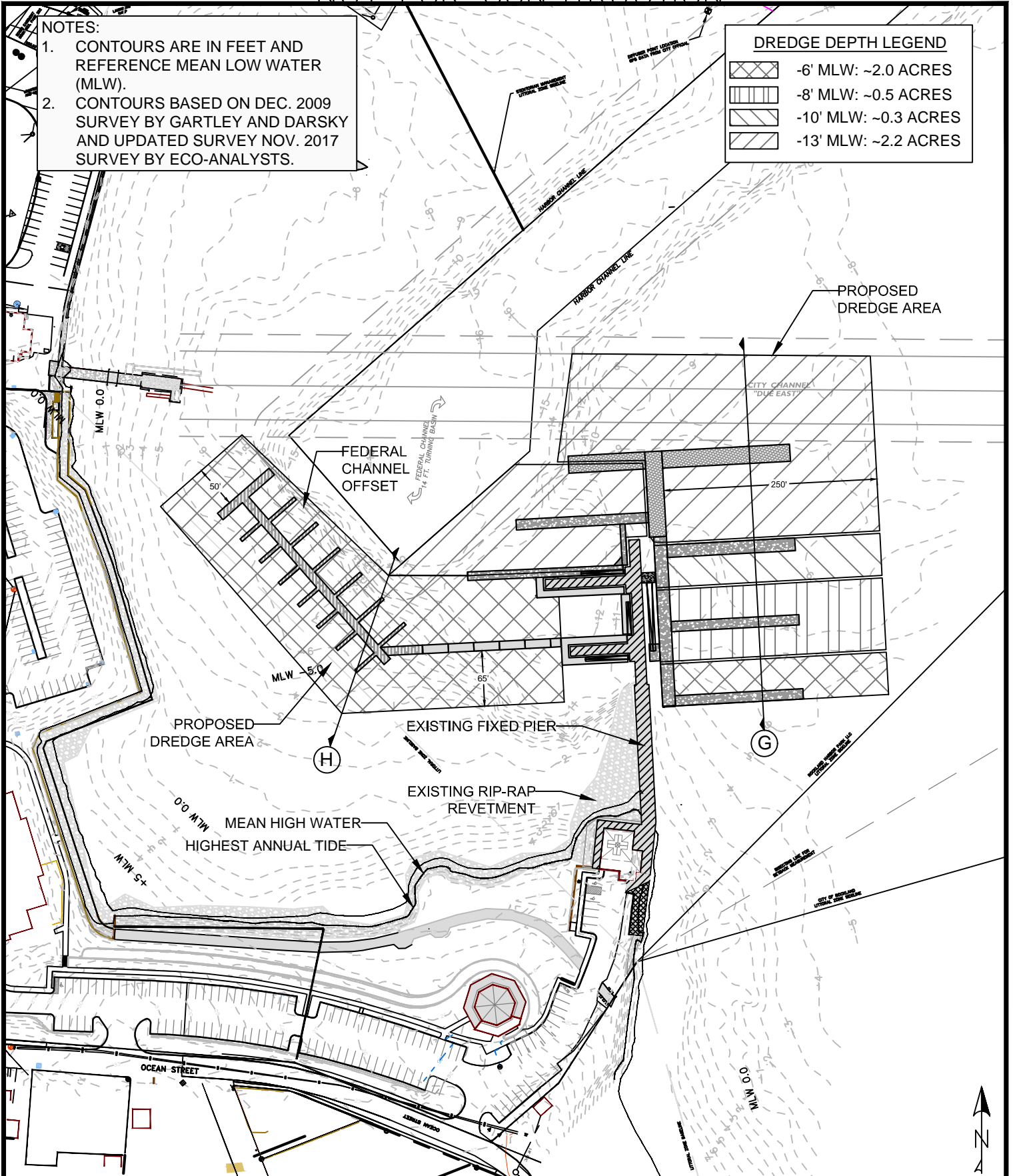
FOR PERMITTING PURPOSES ONLY
 "NOT FOR CONSTRUCTION"

NOTES:

1. CONTOURS ARE IN FEET AND REFERENCE MEAN LOW WATER (MLW).
2. CONTOURS BASED ON DEC. 2009 SURVEY BY GARTLEY AND DARSKY AND UPDATED SURVEY NOV. 2017 SURVEY BY ECO-ANALYSTS.

DREDGE DEPTH LEGEND

	-6' MLW: ~2.0 ACRES
	-8' MLW: ~0.5 ACRES
	-10' MLW: ~0.3 ACRES
	-13' MLW: ~2.2 ACRES



LANDMARK CORPORATION

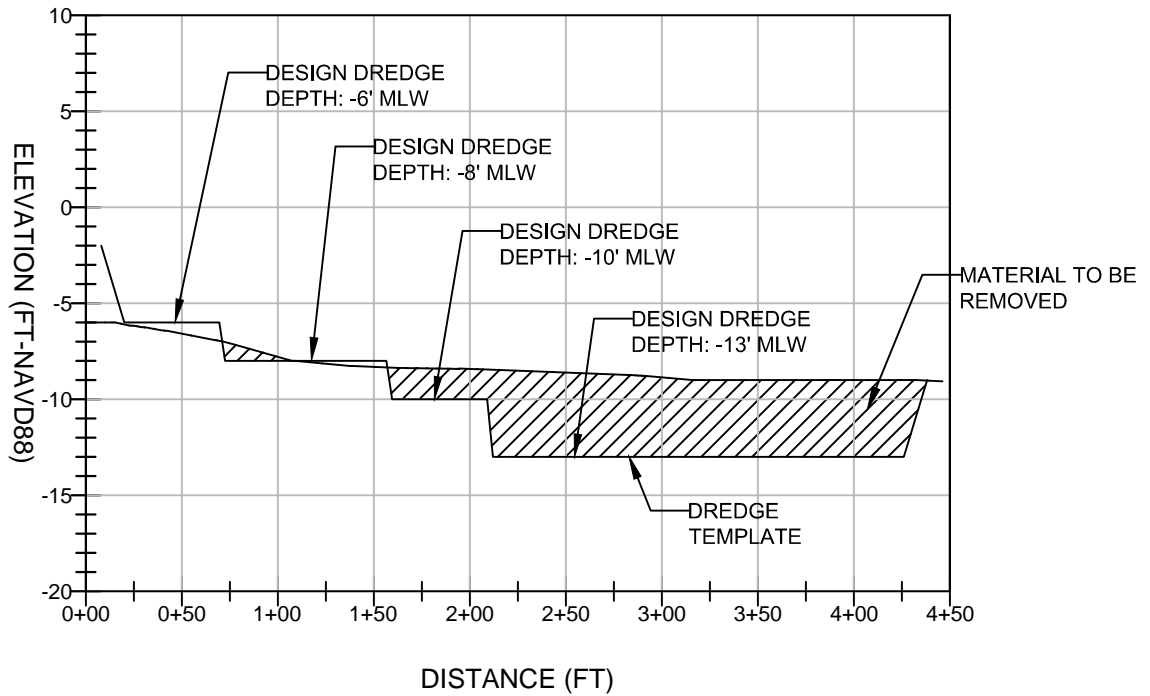
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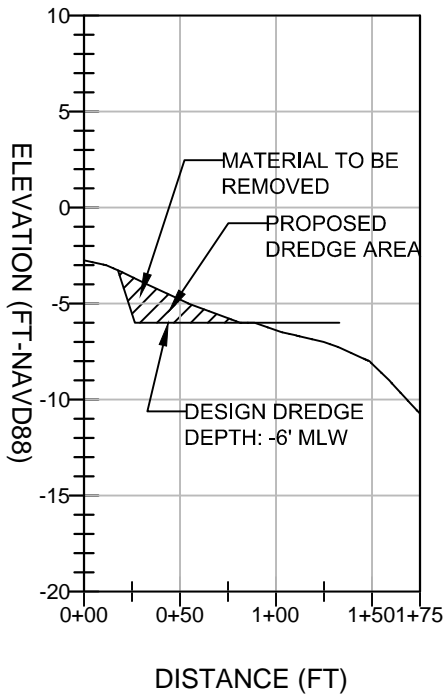
SH ROCKLAND - NRPA APPLICATION
 PROPOSED DREDGE PLAN
 ROCKLAND, MAINE

SCALE: 1"=150'

JUNE 2021



Ⓒ TYPICAL DREDGE PROFILE



Ⓓ TYPICAL DREDGE PROFILE

- NOTES:
1. PROFILES ARE IN FEET AND REFERENCE MEAN LOW WATER (MLW).
 2. PROFILES BASED ON DEC. 2009 SURVEY BY GARTLEY AND DASKY AND UPDATED SURVEY NOV. 2017 SURVEY BY ECO-ANALYSTS.



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SURVEYORS & ENGINEERS

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**SH ROCKLAND - NRPA APPLICATION
PROPOSED DREDGE PLAN - PROFILES
ROCKLAND, MAINE**

SCALE: N/A

JUNE 2021

FOR PERMITTING PURPOSES ONLY
 "NOT FOR CONSTRUCTION"

NOTES:

1. CONTOURS ARE IN FEET AND REFERENCE MEAN LOW WATER (MLW).
2. CONTOURS BASED ON DEC. 2009 SURVEY BY GARTLEY AND DASKY AND UPDATED SURVEY NOV. 2017 SURVEY BY ECO-ANALYSTS.
3. PROPOSED DREDGE CONTOURS, VOLUMES, AND AREAS ARE BASED ON CONDITIONS AT TIME OF SURVEY AND MAY VARY AT TIME OF CONSTRUCTION.

TURBIDITY CURTAIN, IF NECESSARY (LOCATION IS INDICATIVE AND SHALL BE DEPLOYED AROUND THE CURRENT AREA OF DREDGING DURING CONSTRUCTION)

FEDERAL CHANNEL OFFSET

PROPOSED -13' MLW DREDGE AREA (91,975 SF - ~11,055 CY)

PROPOSED -6' MLW DREDGE AREA (17,550 SF - ~450 CY)

EXISTING FIXED PIER

PROPOSED -10' MLW DREDGE AREA (13,120 SF - ~720 CY)

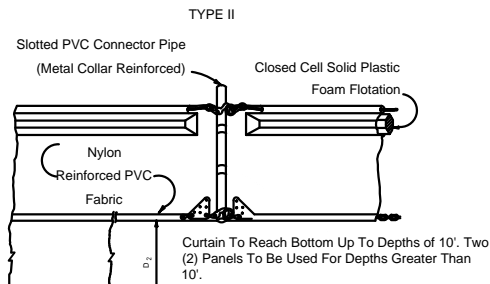
PROPOSED CONTOURS

EXISTING RIP-RAP REVETMENT

PROPOSED -8' MLW DREDGE AREA (9,540 SF - ~200 CY)

MEAN HIGH WATER HIGHEST ANNUAL TIDE

PROPOSED -6' MLW DREDGE AREA (5,750 SF - ~90 CY)



FLOATING TURBIDITY BARRIERS



LANDMARK CORPORATION

SURVEYORS & ENGINEERS

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SH ROCKLAND - NRPA APPLICATION
 TURBIDITY CONTROL NOTES AND DETAILS
 ROCKLAND, MAINE

SCALE: 1"=150'

JUNE 2021

ATTACHMENT 6

ADDITIONAL PLANS – CROSS SECTIONS

Please see **Attachment 5** for all applicable plans and cross sections

ATTACHMENT 7

CONSTRUCTION PLAN

The marina expansion works are anticipated to begin this Fall (2021) and extend into early 2022 with the goal of completing the project prior to the 2022 boating season which generally begins around May. Construction will proceed according to the following general sequence:

1. Establish environmental protection protocols: If necessary, turbidity curtains, silt fence(s), and other environmental protection measures will be installed in accordance with all applicable environmental regulations, codes, and permit requirements.
2. Conduct dredging activities: Dredge material will be excavated using a crane and deposited into a floating barge where the material will be partially dewatered. The dredged material will then be offloaded for further dewatering at an upland dewatering site (lined with geotextile and hay bales). Dewatered material will then be loaded onto trucks and delivered to an existing gravel pit (approximately 12 miles away) for final placement and grading in accordance with MDEP's Beneficial Use of Dredge Material permit (S-022546-W3-A-N).
3. Install floating dock anchor piles: Floating dock anchor piles will be installed via barge-mounted equipment utilizing diesel and/or hydraulic impact hammers.
4. Construct fixed gangway access platform: Pilings will be driven to required embedment depths utilizing diesel and/or hydraulic impact hammers and the superstructure and decking will be installed.
5. ~~Install floating docks:~~ The floating docks will be fabricated in sections by the selected dock manufacturer and shipped to the site either via barge or truck. Dock sections will be offloaded, placed into position, and attached to the ~~previously-driven anchor piles.~~
6. Install gangway and utilities: Once the floating docks are in place, the ~~gangway will be installed~~ and the marina utilities will be routed to the new floating docks.
7. Construct existing pier shoreward extension: This work will not directly affect the other works and may be conducted at any time over the course of the project.
8. Clean-up and Demobilization: Remove all equipment, debris, silt fences, or other construction-related materials from the site.

ATTACHMENT 8

EROSION CONTROL PLAN

To ensure that environmental impacts and potential for erosion/sedimentation are minimized and/or avoided to the extent practicable, the following protocols will be undertaken:

- Prior to construction, the Contractor will be required to submit a Work Plan describing their proposed construction approach, methodology, and equipment to be used. This plan will be reviewed by the Owner and/or their representative(s) to ensure compliance with applicable regulatory requirements and BMPs.
- If necessary, turbidity curtain(s) will be deployed around area(s) of active over-water construction prior to initiation of any construction activities to prevent migration of sediment or other materials outside of the active work area(s).
- Any land disturbing activities associated with the shoreward extension of the existing pier, laydown/storage areas, etc. shall avoid encroachment into any wetland areas outside of the permitted impact area.
- Silt fence(s) will be installed downgradient of any disturbed upland areas and/or stockpile areas to minimize potential for erosion or sedimentation during construction activities.
- Temporary seeding/mulching will be used to stabilize any disturbed upland areas that have not been prepared for final seeding or stabilization.
- Permanent seeding/mulching will be utilized to stabilize any disturbed upland areas at the conclusion of the construction activities.

ATTACHMENT 9
SITE CONDITION REPORT

Prepared by:
Eco Analyst
P.O. Box 224
Bath, ME 04530
207-837-2442

Environmental Assessment

1.0 Introduction

ECO-ANALYSTS, INC. (EA) has been conducting work at the formally Yachting Solutions Marina in Rockland, Maine (now Safe Harbor Rockland, LLC) since 2017. EA has used that experience plus a June 17, 2021 site visit to re-familiarize and supplement earlier observations to provide an Environmental Assessment of existing conditions as well as well as predicting post construction conditions at the site. Work to be conducted includes dredging with already permitted upland disposal, modifications to the existing structures, and the addition of more ramps and floats. Those activities are described in detail in other exhibits in the Application.

2.0 Methodologies

Following the receipt of a Sampling and Analysis Plan (SAP) from the U.S. Army Corps of Engineers, EA collected core samples to dredge depth throughout the Marina Basin. We also used a view tube to inventory the habitats throughout the site which initially included areas outside of the proposed dredging and expansion areas. EA has been conducting marine evaluations for approximately 30 years and has a sight image of all plant and animal species (including macro-invertebrates) typically encountered in Intertidal and Sub-tidal habitats. We also observe activities such as lobster trap buoys and other harvesting activities to determine whether or not species not readily observed may be in the project area. Particular attention is paid to Eelgrass (*Zostera marina*).

3.0 Observations

3.1 Substrates

Considerable amounts of boulders and cobbles were found to the south and east of the existing granite crib pier. Probing in that area did not reveal any bedrock. The areas between the exposed rocks included fine sediments which overlaid glacial till. The final design is outside

of that area. The remainder of the substrates throughout the proposed project area are fines over till. There are widely scattered cobbles out to the ten foot contour line on the south and east side of the existing granite crib pier. Some woody debris is also present.

The outer areas towards the Federal Channel has previously been dredged and generally has a layer of fines over till. No rocks or debris were noted. The inner area to the west which will be dredged to 6 feet has a couple of abandoned granite mooring blocks with chain still attached plus some woody debris over fines and till.

3.2 Vegetation

No Eelgrass was observed. The scattered boulders and cobbles have Sugar Kelp (*Saccharina latissima*), Horsetail Kelp (*Laminaria digitata*) and Bladder Wrack (*Fucus vesiculosus*) growing on them. Both species of kelp were observed on the abandoned mooring chains. Bladderwrack is growing on the abandoned mooring blocks and the woody debris. These species all are abundant on the granite pier.

3.3 Animals

A few Blue Mussels (*Mytilus edulis*) were observed attached to the scattered boulders and cobbles. They, Rock Barnacles (*Semibalanus balanoides*), and Periwinkles (*Littorina littorea*) are abundant on the granite pier. Sandworms (*Nereis virens*) were found in sediment sample cores collected for Bulk Chemistry analyses, indicating that they are common throughout.

4.0 Post Dredging Habitat

Experience at numerous dredge projects has shown that seaweeds and kelps colonize pilings post dredging which in this project will provide more habitat than will be removed on boulders and cobbles. The same will be true for Blue Mussels. Sandworms are mobile and are pelagic spawners and will quickly recolonize the dredged area. No adverse impacts to habitats and communities is expected.

ATTACHMENT 10

NOTICE OF INTENT TO FILE

Please take notice that:

SHM Rockland, LLC
c/o Safe Harbor Marinas
56 New County Road, Rockland, Maine 04841
(207) 236-8100

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A thru 480-BB on or about **July 2, 2021**.

The application is for **a marina expansion on Rockland Harbor that includes dredging, piles, pier, and floats**, near the following location:

60 Ocean Street
(part of) Tax Map 5, Block B, Lot 13
Rockland, Maine 04841

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456.

The application will be filed for public inspection at the Department of Environmental Protection's office in Augusta during normal working hours. A copy of the application may also be seen at the municipal offices in Rockland, Maine. Written public comments may be sent to the regional office in Augusta where the application is filed for public inspection: MDEP, Central Maine Regional Office, 17 State House Station, Augusta, ME 04333.


PUBLIC NOTICE CERTIFICATION

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application. **The Notice of Intent was published in the Courier Gazette on June 17, 2021.**
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application; and
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located;

A Public Informational Meeting was held July 1, 2021 with 9 attendees. There were no significant issues raised relevant to the licensing criteria.



Signature of Applicant or authorized agent

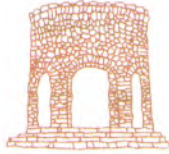
July 1, 2021
Date

The abutters to whom public notice was sent are:

Tax Map & Lot	Name	Street	Town	State	Zip
Tax Map 5 Block B Lot 13	Rockland Harbor Park LLC	c/o Bay View Management P.O. Box 812	Camden	ME	04843
Tax Map 5 Block B Lot 5	City of Rockland	270 Pleasant Street	Rockland	ME	04841
Tax Map 6 Block A Lot 11	City of Rockland	270 Pleasant Street	Rockland	ME	04841
Tax Map 6 Block B Lot 2	Edward M. Waller Jr. Rev. Trust	3703 Palma Ceia Court	Tampa	FL	33692
Tax Map 6 Block B Lot 3	Martin F. Dorgin	63 Pacific Street	Rockland	ME	04841
Tax Map 7 Block C Lot 4	State of Maine	State House Station 130	Augusta	ME	04333

ATTACHMENT 11

MAINE HISTORIC PRESERVATION COMMISSION &
FIVE INDIAN TRIBES



LANDMARK CORPORATION

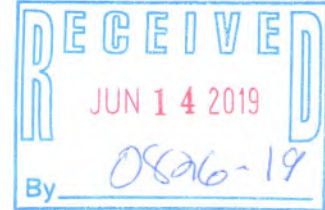
SURVEYORS & ENGINEERS

K. MARK BARBOUR, PLS

MICHAEL J. SABATINI, P.E.

June 12, 2019

Maine Historic Preservation Commission
55 Capital Street
65 State House Station
Augusta, ME 04333-0065



Re: Project Review (Section 106) for
Marina Expansion by Yachting Solutions
Water and Ocean Streets
Rockland, Maine
LC Proj. No. 16-012

Dear Sir/Madam:

On behalf of Yachting Solutions, tenants of the Marina on a property owned by Rockland Harbor Park, LLC, we are writing to request project review in accordance with Section 106 of the National Historic Preservation Act. This project will require a Site Law and NRPA Permit and will receive federal funding through a Boating Infrastructure Grant.

The project includes a marina expansion (floats and piers), dredging, fuel tank and pump system, parking expansion, upgraded electrical service, and conversion of the exterior pavilion to interior space.

Attached please find the following supporting information:

- USGS Location Map
- Site Plan showing marina expansion improvements and picture key
- Site Pictures
- Structure Survey Form (Abutting Rockland Harbor Master Building)

This property, formally owned by Bracebridge Corporation, has gone through numerous permitting iterations and likely prior Historic Reviews. A summary is as follows:

219 MEADOW STREET ROCKPORT, MAINE 04856

PHONE: (207) 236-6757 FAX: (207) 470-7020

WWW.LANDMARKMAINE.COM

DEP Permit Number	Date	Project Description
L-20386-26-A-N L-20386-4E-B-N	10-24-2000	Office Building, Day Care Center, Boat House, Pavilion, Boardwalk for total of 5.44 ac impervious (reduced from 6.44 ac). Seawall reconstruction and boardwalk construction with coastal wetland impact of 18 sf
L-20386-4C-C-N	12-20-2000	Breakwater Restoration, Pier Construction, and Dredge. 1,050 sf of impact to coastal wetland
L-20386-4C-D-T	3-11-2008	Transfer from Bracebridge Corporation to Rockland Harbor Park, LLC
L-20386-26-E-M L-20386-2F-N	5-2-2008	Boathouse Conversion and Expansion. 1,386 sf of decking and paved area, 4 new pilings
L-20386-26-G-B L-20386-4E-H-N	7-23-2008	Expand Marina 98sf direct impact and 17,010sf indirect impact, expand parking creating 0.52 acres impervious and developed area
L-20386-26-I-M L-20386-2F-J-M	7-23-2009	Construct 85sf bathroom area on previously constructed pier. Minor Change
L-20386-26-I-M L-20386-2F-J-M	1-26-2010	Reconfigure marina expansion reduced to 65sf of direct impact and 13,160sf of indirect impact
L-20386-26-M-M	3-4-2010	Building Use Change Day Care to Maine Coastal Islands

The proposed work will create 0.18 acres of impervious area and approximately include 38,164 sf of floats and piers, 280 sf of impact from piles, and 147,300 cy of dredging in two phases.

Please let us know if you have any questions or you require additional information.

Sincerely,
Landmark Corporation Surveyors & Engineers

Michael J. Sabatini., P.E.

Attachments

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

Kirk F. Mohney
 Kirk F. Mohney,
 State Historic Preservation Officer
 Maine Historic Preservation Commission

6/19/19
 Date

MAHC # 0826-19



LANDMARK CORPORATION

SURVEYORS & ENGINEERS

K. MARK BARBOUR, PLS

MICHAEL J. SABATINI, P.E

June 10, 2021

Aroostook Band of Micmacs
Attn: Tribal Historic Preservation Officer
7 Northern Road
Presque Isle, Maine 04769

Re: NRPA Permit Application
SHM Rockland, LLC
Marina Expansion
Rockland, Maine
LC Proj. No. 16-012

To Whom It May Concern:

At the request of the Army Corps of Engineers and in conjunction with the Natural Resources Protection Act, we are notifying you that we have submitted the above referenced application with the Maine Department of Environmental Protection on behalf of the SHM Rockland, LLC. The cover sheet of this application is enclosed. The site is located on Ocean Drive (part of Tax Map 5, Block B, Lot 13) in Rockland, Maine, shown on the enclosed USGS map. Please call our office if you have any questions or information regarding the presence of any historic and/or archaeological resources that may affect this project.

Sincerely,

Landmark Corporation Surveyors & Engineers

Michael J. Sabatini, P.E.

Enclosures



LANDMARK CORPORATION

SURVEYORS & ENGINEERS

K. MARK BARBOUR, PLS

MICHAEL J. SABATINI, P.E.

June 10, 2021

Houlton Band of Maliseet Indians
Attn: Tribal Historic Preservation Officer
88 Bell Road
Littleton, Maine 04730

Re: NRPA Permit Application
SHM Rockland, LLC
Marina Expansion
Rockland, Maine
LC Proj. No. 16-012

To Whom It May Concern:

At the request of the Army Corps of Engineers and in conjunction with the Natural Resources Protection Act, we are notifying you that we have submitted the above referenced application with the Maine Department of Environmental Protection on behalf of the SHM Rockland, LLC. The cover sheet of this application is enclosed. The site is located on Ocean Drive (part of Tax Map 5, Block B, Lot 13) in Rockland, Maine, shown on the enclosed USGS map. Please call our office if you have any questions or information regarding the presence of any historic and/or archaeological resources that may affect this project.

Sincerely,

Landmark Corporation Surveyors & Engineers

Michael J. Sabatini, P.E.

Enclosures



LANDMARK CORPORATION

SURVEYORS & ENGINEERS

K. MARK BARBOUR, PLS

MICHAEL J. SABATINI, P.E.

June 10, 2021

Passamaquoddy Tribe of Indians
Attn: Tribal Historic Preservation Officer
P.O. Box 301
Princeton, Maine 04668

Re: NRPA Permit Application
SHM Rockland, LLC
Marina Expansion
Rockland, Maine
LC Proj. No. 16-012

To Whom It May Concern:

At the request of the Army Corps of Engineers and in conjunction with the Natural Resources Protection Act, we are notifying you that we have submitted the above referenced application with the Maine Department of Environmental Protection on behalf of the SHM Rockland, LLC. The cover sheet of this application is enclosed. The site is located on Ocean Drive (part of Tax Map 5, Block B, Lot 13), in Rockland, Maine, shown on the enclosed USGS map. Please call our office if you have any questions or information regarding the presence of any historic and/or archaeological resources that may affect this project.

Sincerely,

Landmark Corporation Surveyors & Engineers

Michael J. Sabatini, P.E.

Enclosures



LANDMARK CORPORATION

SURVEYORS & ENGINEERS

K. MARK BARBOUR, PLS

MICHAEL J. SABATINI, P.E.

June 10, 2021

Passamaquoddy Tribe of Indians
Pleasant Point Reservation
Attn: Tribal Historic Preservation Officer
P.O. Box 343
Perry, Maine 04667

Re: NRPA Permit Application
SHM Rockland, LLC
Marina Expansion
Rockland, Maine
LC Proj. No. 16-012

To Whom It May Concern:

At the request of the Army Corps of Engineers and in conjunction with the Natural Resources Protection Act, we are notifying you that we have submitted the above referenced application with the Maine Department of Environmental Protection on behalf of the SHM Rockland, LLC. The cover sheet of this application is enclosed. The site is located on Ocean Drive (Tax Map 5, Block B, Lot 13), in Rockland, Maine, shown on the enclosed USGS map. Please call our office if you have any questions or information regarding the presence of any historic and/or archaeological resources that may affect this project.

Sincerely,

Landmark Corporation Surveyors & Engineers

Michael J. Sabatini, P.E.

Enclosures



LANDMARK CORPORATION

SURVEYORS & ENGINEERS

K. MARK BARBOUR, PLS

MICHAEL J. SABATINI, P.E.

June 10, 2021

Penobscot Indian Nation
Attn: Tribal Historic Preservation Officer
6 River Road
Old Town, Maine 04468

Re: NRPA Permit Application
SHM Rockland, LLC
Marina Expansion
Rockland, Maine
LC Proj. No. 16-012

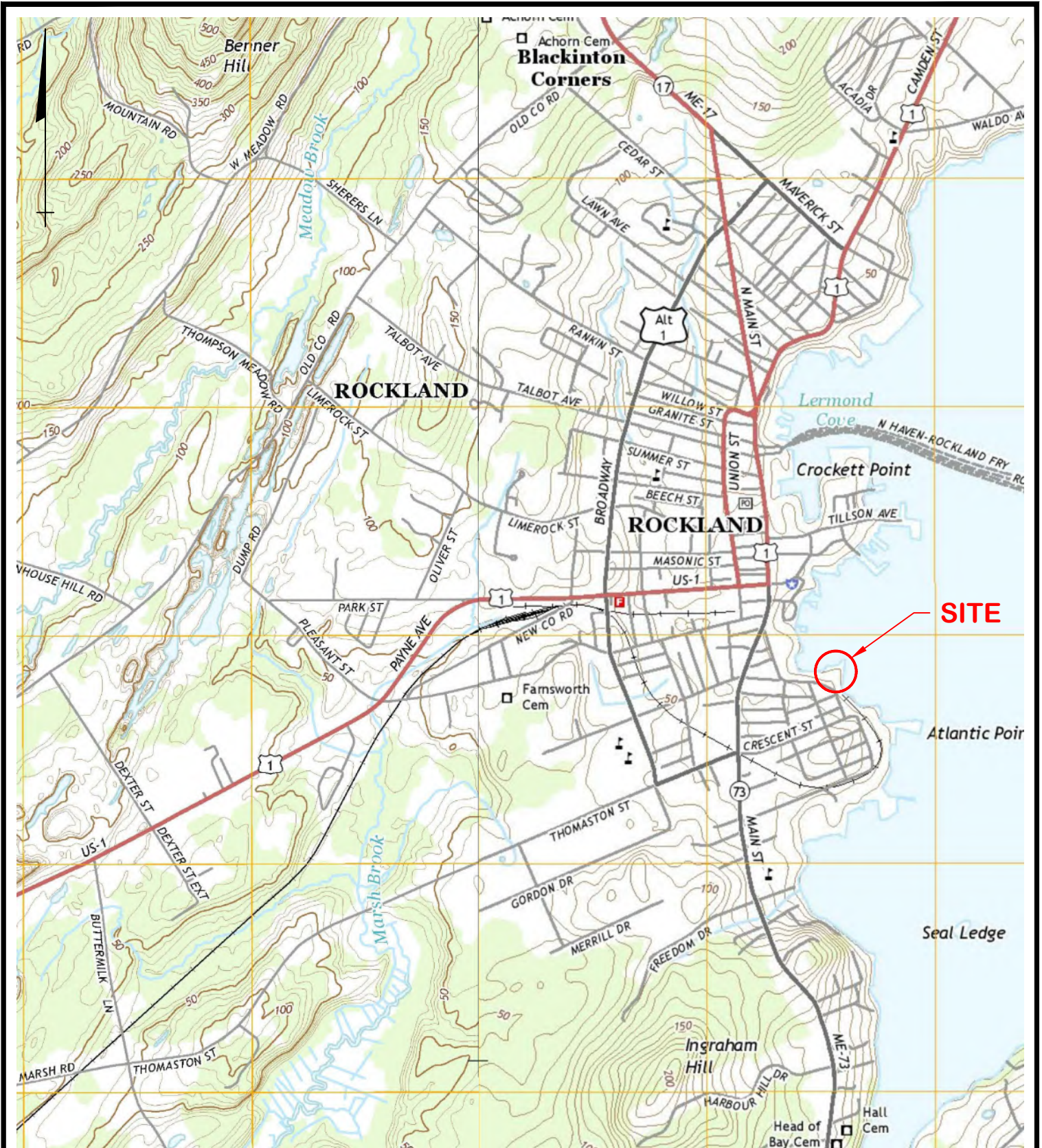
To Whom It May Concern:

At the request of the Army Corps of Engineers and in conjunction with the Natural Resources Protection Act, we are notifying you that we have submitted the above referenced application with the Maine Department of Environmental Protection on behalf of the SHM Rockland, LLC. The cover sheet of this application is enclosed. The site is located on Ocean Drive (Tax Map 5, Block B, Lot 13), in Rockland, Maine, shown on the enclosed USGS map. Please call our office if you have any questions or information regarding the presence of any historic and/or archaeological resources that may affect this project.

Sincerely,
Landmark Corporation Surveyors & Engineers

Michael J. Sabatini, P.E.

Enclosures



FROM THE ROCKLAND AND THOMASTON, MAINE 7.5 MINUTE USGS QUADRANGLES



LANDMARK CORPORATION

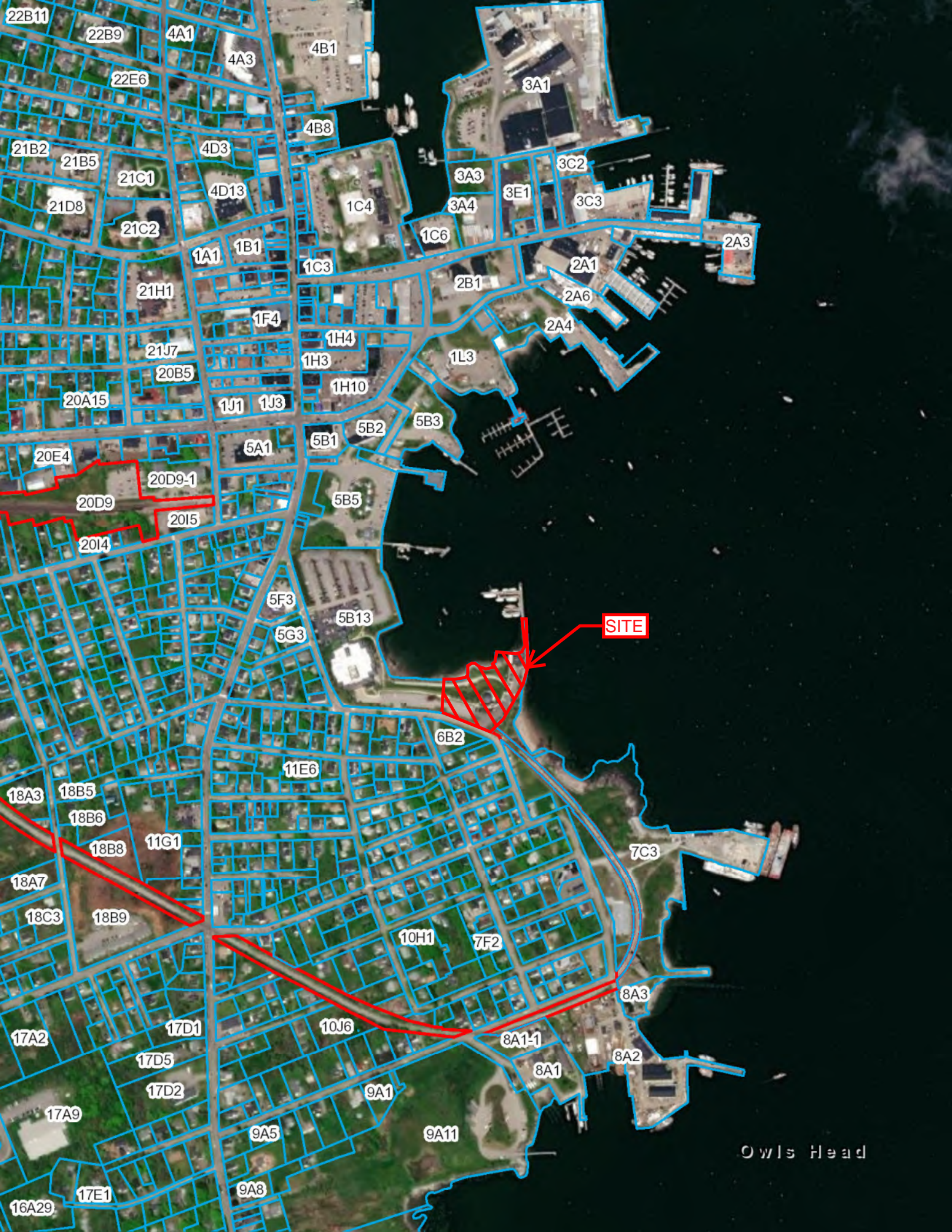
SURVEYORS & ENGINEERS

135 ROCKLAND STREET ROCKPORT, MAINE 04856 PHONE: (207) 236-6757 WWW.LANDMARKMAINE.COM

**SH ROCKLAND MARINA EXPANSION
LOCATION MAP
ROCKLAND, MAINE**

SCALE: 1"=2000'

JUNE 10, 2021



SITE

Owls Head

ATTACHMENT 12
FUNCTIONAL ASSESSMENT

Prepared by:
Eco Analyst
P.O. Box 224
Bath, ME 04530
207-837-2442













Wetland Function-Value Evaluation Form

Wetland I.D. _____
 Latitude _____ Longitude _____
 Prepared by: _____ Date _____
 Wetland Impact:
 Type _____ Area _____

Evaluation based on:
 Office _____ Field _____
 Corps manual wetland delineation
 completed? Y _____ N _____

Total area of wetland _____ Human made? _____ Is wetland part of a wildlife corridor? _____ or a "habitat island"? _____
 Adjacent land use _____ Distance to nearest roadway or other development _____
 Dominant wetland systems present _____ Contiguous undeveloped buffer zone present _____

Is the wetland a separate hydraulic system? _____ If not, where does the wetland lie in the drainage basin? _____
 How many tributaries contribute to the wetland? _____ Wildlife & vegetation diversity/abundance (see attached list)

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge				
 Floodflow Alteration				
 Fish and Shellfish Habitat				
 Sediment/Toxicant Retention				
 Nutrient Removal				
 Production Export				
 Sediment/Shoreline Stabilization				
 Wildlife Habitat				
 Recreation				
 Educational/Scientific Value				
 Uniqueness/Heritage				
 Visual Quality/Aesthetics				
ES Endangered Species Habitat				
Other				

Notes: _____
 * Refer to backup list of numbered considerations.

ATTACHMENT 13

COMPENSATION

The direct impact associated with this project in the amount of 235 sf is solely attributed to piles. This amount is small compared to the previously approved impact of 1,084 sf (1,068 sf approved and constructed in 2000, 16 sf approved and constructed in 2010). Although it is yet to be determined by DEP, compensation was not required for these previous direct impacts and it is requested that none be required now.

APPENDIX A
VISUAL EVALUATION

**APPENDIX A: MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**
(Natural Resources Protection Act, 38 M.R.S. §§ 480 A - Z)

Name of applicant: SHM ROCKLAND, LLC Phone: 207-236-8100

Application Type: NRPA INDIVIDUAL PERMIT

Activity Type: (brief activity description) MARINA EXPANSION (DREDGE, FLOATS, PILLS, AND PIER)

Activity Location: Town: ROCKLAND County: KNOX

GIS Coordinates, if known: _____

Date of Survey: 6-23-21 Observer: MICHAEL SABATINI
LANDMARK CORP. Phone: 207-236-6757

	Distance Between the Proposed Visibility Activity and Resource (in Miles)		
	0-1/4	1/4-1	1+
1. Would the activity be visible from:			
A. A National Natural Landmark or other outstanding natural feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. A state or federal trail?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. A public site or structure listed on the National Register of Historic Places?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. A National or State Park?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. 1) A municipal park or public open space?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: www.nature.nps.gov/nml/Registry/USA_map_states/Maine_maine.htm. In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

(pink)

APPENDIX B

COASTAL WETLAND CHARACTERIZATION

Prepared by:

Eco Analyst
P.O. Box 224
Bath, ME 04530
207-837-2442

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: Safe Harbor Rockland, LLC PHONE: 207-596-0082
 APPLICATION TYPE: Individual NRPA for Dredging, Floats, and Pilings
 ACTIVITY LOCATION: TOWN: Rockland COUNTY: Knox

ACTIVITY DESCRIPTION: fill pier lobster pound shoreline stabilization
 dredge other: Additional Floats and Pilings

DATE OF SURVEY: June 18, 2021 OBSERVER: Bud Brown

TIME OF SURVEY: 2:00 PM TIDE AT SURVEY: Low

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):
 Intertidal area 116 Subtidal area 235

SIZE OF INDIRECT IMPACT, if known (square feet):
 Intertidal area 877 Subtidal area 23,880

HABITAT TYPES PRESENT (check all that apply):
 sand beach boulder/cobble beach sand flat mixed coarse & fines salt marsh
 ledge rocky shore mudflat (sediment depth, if known: 4-10 ft.)

ENERGY: protected semi-protected partially exposed exposed

DRAINAGE: drains completely standing water pools stream or channel

SLOPE: >20% 10-20% 5-10% 0-5% variable

SHORELINE CHARACTER:
 bluff/bank (height from spring high tide:) beach rocky vegetated

FRESHWATER SOURCES: stream river wetland stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other - Kelp	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION? yes no

PREVIOUS ALTERATIONS? Granite Crib Pier, Pile Supported Pier, Ramps, and Floats yes no

CURRENT USE OF SITE AND ADJACENT UPLAND:
 undeveloped residential commercial degraded recreational

PLEASE SUBMIT THE FOLLOWING:
 Photographs Overhead drawing (pink)

APPENDIX C

SUPPLEMENTAL INFORMATION FOR
DREDGING ACTIVITY IN COASTAL WETLAND

**APPENDIX C: APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT
PERMIT
SUPPLEMENTAL INFORMATION FOR DREDGING ACTIVITIES IN A COASTAL WETLAND, GREAT POND,
RIVER, STREAM OR BROOK**

(Discard this part if dredging is not proposed as part of your activity.)

The DEP and the Corps strongly recommend that applicants schedule a pre-application meeting prior to submitting an application for dredging.

Volume to be dredged:	12,520 cy cu. yds.		
Sq. ft. to be dredged: i	138,000 sf sq. ft.		
Max. depth of dredging below existing grade:	A dredge depth of -13 will occur in an area that is currently -8 for a maximum depth of dredge of 5'		
Type of material (example: sand, silt, clay, gravel. etc.) to be Dredged:	The material to the east of the existing jetty consists of boulders and cobbles mixed with fine sediments (silts) overtop glacial till. Most of the dredging, however, will occur in areas with fine sediments over glacial till.		
Describe what erosion and sediment control measures will be used during the dredging operation. (attach separate sheet if necessary):	If necessary, during dredging a turbidity curtain will be installed to contain suspended solids.		
Describe how and where the dredge spoils will be dewatered (attach separate sheet if necessary): Show dewatering location and erosion control measures on activity drawings.	The dredge spoils will be initially dewatered on the spoils barge at the dredge site. Further dewatering will occur in the yard of contractor Prock Marine. A berm will be created to completely contain the spoils and water will seep through the existing gravel surface without any concentrated discharge. See attached site and dewater maps.		
What equipment will be used for the dredge?	The dredge will be a deck barge with a crane and clamshell bucket. The spoils barge will be a deck barge with steel bin walls welded to the deck to contain the material.		
Disposal Location: (Check one)	Upland disposal: <input type="checkbox"/> On site <input type="checkbox"/> Landfill <input checked="" type="checkbox"/> Other <u>Beneficial Use</u>	Ocean disposal: Federal Disposal Site <input type="checkbox"/> Arundel <input type="checkbox"/> Portland <input type="checkbox"/> Rockland <input type="checkbox"/> Other _____	

(pink)

FOR UPLAND DISPOSAL:

Contact the Division of Solid Waste Management at (207) 822-6300:

Contacted: Yes No If yes, attach a copy of any correspondence.
Permitted: Yes No If yes, provide the permit number ___ Beneficial Use Permit #
S-022546-W3-A-N, (copy attached)

FOR OCEAN DISPOSAL:

Submit as **Attachment 15**, a copy of the test results performed in accordance with the U.S. Environmental Protection Agency and the Army Corps of Engineers' document entitled "Regional Implementation Manual for the Evaluation of Dredged Material Proposed for Disposal in New England Waters" (May 2002). This is available from the Army Corps of Engineers. (207) 623-8367

NOTE: Applicants are **STRONGLY** recommended to contact the DEP prior to performing any sediment sampling. Improperly sampled or analyzed sediments may have to be retested.

Submit as **Attachment 16**, a copy of a map showing the proposed transportation route to the disposal site.

List all municipalities adjacent to the proposed transportation site:

A copy of the application must be submitted to all municipalities adjacent to the proposed transportation site.

Submit as **Attachment 17**, a copy of the notice of the proposed transportation route. A copy of the proposed transportation route must be published in a newspaper of general circulation in the area of the proposed route. (The notice of the proposed route must include compass bearings or Loran coordinates). The notice must be published under the heading "NOTICE TO FISHERMEN".

(pink)

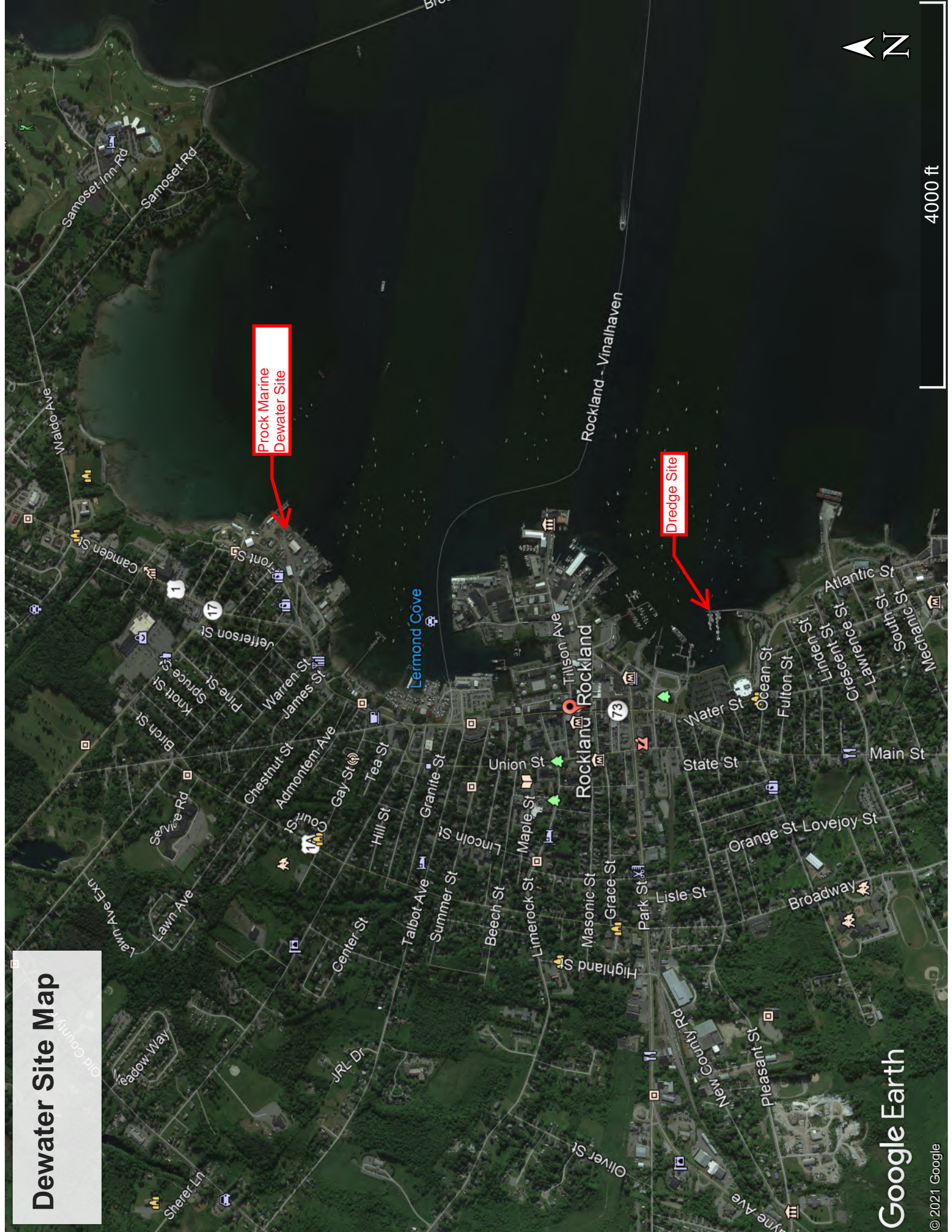
Dewater Site Map

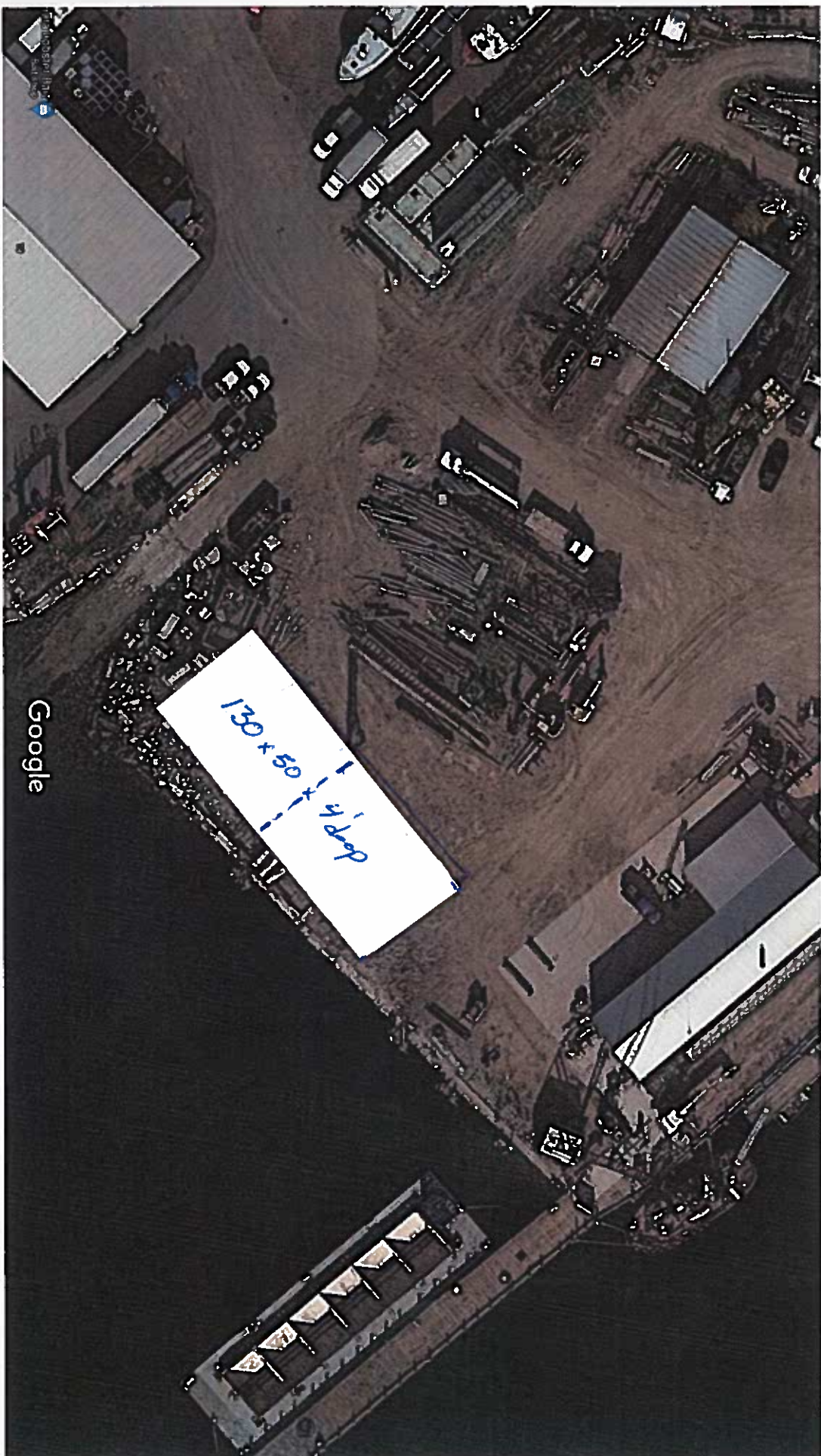
Prock Marine
Dewater Site

Dredge Site



4000 ft





Google



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

SHM ROCKLAND, LLC)	MAINE HAZARDOUS
CUSHING, KNOX COUNTY, MAINE)	WASTE, SEPTAGE AND
BENEFICIAL USE OF DREDGE MATERIAL)	SOLID WASTE
S-022546-W3-A-N)	MANAGEMENT ACT
(APPROVAL WITH CONDITIONS))	NEW LICENSE

Pursuant to the provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act*, 38 M.R.S. §§1301 through 1319-Y; the *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2, (last amended June 9, 2018), the *Solid Waste Management Rules: General Provisions*, 06-096 C.M.R. ch. 400 (last amended February 9, 2021), and the *Solid Waste Management Rules: Beneficial Use of Solid Waste*, 06-096 C.M.R. ch. 418 (last amended July 8, 2018), the Department of Environmental Protection ("Department") has considered the application of the SHM ROCKLAND, LLC ("SHM" or "the applicant") with its supportive data, staff review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

- A. Application: SHM has applied for a license for the one-time beneficial use of dredge material as part of a gravel pit reclamation project in Cushing, Maine.
- B. Summary of Proposal: SHM proposes to use approximately 16,000 cubic yards of dredge material generated by the applicant during the dredging of a marina owned and operated by SHM. The dredged material will be dewatered on site and transported approximately 12 miles to a gravel pit owned by John Barbour, located in Cushing, Maine. The dredge material will be used as subgrade fill to contour the excavated area of the gravel pit and then covered and seeded.

2. BACKGROUND INFORMATION

The marina where the dredging will take place was owned by Rockland Harbor Park, LLC and operated by Yachting Solutions, LLC ("YS"), per a lease agreement, when the application was submitted. YS was the original applicant. The Department notified YS of several items that needed to be addressed by YS before the Department could complete its review of the application. These included title, right or interest for the area that will be dredged, an agreement between YS and the gravel pit owner that would allow for the beneficial use of the dredge material at the gravel pit, additional information on the financial and technical ability of YS and the gravel pit owner to carry out the proposed beneficial use, and information that was missing from the disclosure statement. In

SHM ROCKLAND, LLC	2	MAINE HAZARDOUS
CUSHING, KNOX COUNTY, MAINE)	WASTE, SEPTAGE AND
BENEFICIAL USE OF DREDGE MATERIAL)	SOLID WASTE
S-022546-W3-A-N)	MANAGEMENT ACT
(APPROVAL WITH CONDITIONS))	NEW LICENSE

addition, during the course of the Department’s review of the application, staff determined that the marina was for sale and a purchase agreement was being executed between Rockland Harbor Park, LLC and SMH. In order to address the Department’s comments on the application and based on the change in ownership of the marina, YS and SHM became co-applicants for the beneficial use application on January 12, 2021. Both parties submitted information that addressed the Department’s comments, that reflected the current ownership of the marina and that allowed SHM to become a co-applicant. Subsequent to the completion of purchase of the marina by SHM, YS became a contracted agent and operator working on behalf of SHM. Based on this change in the contractual relationship, YS withdrew as co-applicant on March 30, 2021.

3. PROJECT DESCRIPTION

As part of the maintenance of the marina and to accommodate larger vessels, SHM has proposed dredging in two areas around the boat slips. The smaller area, identified as Area A, is expected to generate approximately 1,000 cubic yards of dredge material. The larger area, identified as Area B, is expected to generate approximately 11,000 cubic yards of dredge material. The dredge material will be partially dewatered on the dredge barge and again following off-loading at the Prock Marine Company yard located 1 mile from the dredge location via the barge haul route over water. Once dewatered, the dredge material will be transported to the gravel pit owned by John Barbour in Cushing and placed as subgrade fill to contour the excavated area of the gravel pit and then covered and seeded.

4. SCHEDULE

The applicant plans to begin the beneficial use of the dredge material from the marina in November of 2021 and complete the project by March of 2022.

5. TITLE, RIGHT, OR INTEREST

SHM submitted a Warranty Deed demonstrating John Barbour’s ownership of the property where the beneficial use will occur. SHM has also submitted a copy of an agreement executed between John Barbour and SHM for the beneficial use of the dredge material at the gravel pit owned by John Barbour and holding Mining ID # 485 from the Department. Finally, SHM submitted a Quitclaim Deed demonstrating ownership of the parcel where the marina is located and where the dredge material will be excavated. The deed also conveyed all right, title and interest in the land and any improvements located between the high and low water lines, as well as any land and improvements located below the low water line, as described in the deed, where the dredging will take place.

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The Department finds that the applicant has demonstrated sufficient title, right or interest in the property where the proposed beneficial use of the dredge material will occur and to the submerged lands where the dredge material will be excavated.

6. NOTICE OF INTENT TO FILE

The applicant has provided a copy of a notice of intent to file that was published in the *Kennebec Journal* on October 13, 2020 and sent by certified mail to the Town Manager and Planning Board Chair of the Town of Cushing, and to abutting property owners.

7. FINANCIAL ABILITY

SHM estimates that the total cost to make the planned improvements to the marina, including the dredging, will cost approximately \$1,784,701. Of that total, the dredging and beneficial use of the dredge material is estimated at \$763,000. SHM has secured a grant through the Federal Boating Infrastructure Grant (“BIG”) program in the amount of \$1,045,760. Per the grant agreement, SHM must provide a matching contribution of \$737,941.

SHM is a wholly owned subsidiary of Safe Harbor Marinas, LLC, which was acquired by Sun Communities, Inc. in September 2020. SHM submitted the most recent corporate annual report for Sun Communities, Inc., demonstrating the availability of sufficient funds to finance the proposed project.

The Department finds that the applicant has submitted accurate cost estimates for the proposed project and has provided evidence that funds are available to beneficially use the dredge material as proposed; thereby it has affirmatively demonstrated the financial capacity to beneficially use the dredge material in a manner consistent with all applicable requirements.

8. TECHNICAL ABILITY

SHM has retained Prock Marine Company to excavate and dewater the dredge material from the marina. Prock Marine Company has over 80 years of experience constructing waterfront projects including piers and marinas, as well as conducting dredge projects. The company has nine barges, three tugboats, twelve trucks and seven cranes available to perform the proposed project. However, the Department finds that Prock Marine Company does not currently hold a 06-096 C.M.R. ch. 402 license to store the dredge materials during the dewatering period, as described in Finding of Fact # 11.

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John Barbour will be responsible for the placement and covering of the dredge material once it is delivered to the gravel pit (Department Mining ID # 485). Mr. Barbour has a degree in civil engineering and has over 30 years of experience in large earthworks projects. Mr. Barbour has eight trucks, nine excavators, and two bulldozers available to perform the placement and covering of the dredge material. Landmark Corporation, an engineering firm with over 75 years of experience, prepared the design plans for the proposed project that were signed and stamped by a Maine Professional Engineer.

The Department finds that the applicant has affirmatively demonstrated the technical ability to beneficially use the dredge material in a manner constant with all applicable requirements, provided Prock Marine Company obtains the appropriate license under 06-096 prior to storage of the dredge material from this project at its facility during dewatering.

9. DISCLOSURE STATEMENT

The applicant has submitted a disclosure statement in accordance with the requirements of 06-096 C.M.R. ch. 400, § 12. The applicant has not been convicted of any criminal law and has not been adjudicated or otherwise found to have committed any civil violation of environmental laws or rules of the State, other states, the United States, or another country in the five years preceding this application. Based on the disclosure statement submitted by the applicant, the Department finds no reason to refuse to grant a license to the applicant.

10. BENEFICIAL USE DEMONSTRATION

The Department requires exhausted pit areas to be reclaimed with suitable materials, including soil, rocks and other permissible fill materials. The reclaimed areas should be graded to a slope of 2.5 horizontal to 1 vertical or less and at least 90% covered with vegetation. The dewatered dredge material from the SHM project, comprised of soil and rock, will be used as a subgrade material and placed to achieve the required slope specifications. Following placement and grading, the dredge material will be covered with a minimum of 6 inches of non-screened topsoil and permanently stabilized with seed, fertilizer and mulch or covered with a minimum of 6 inches of erosion control mix.

The Department finds that the proposed beneficial use proposed by the applicant serves a legitimate beneficial purpose, does not constitute a means of disposal or discard, and that the dredge material will perform as an acceptable substitute for the common borrow or other fill that might be used for the reclamation of gravel pits as required by the Department.

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11. STORAGE AND HANDLING

The dredge material will be excavated using a crane located on a floating platform, loaded into a barge and partially dewatered on the barge. The barge will be transported a short distance through Rockland harbor to the Prock Marine Company waterfront marina, where the dredge material is proposed to be offloaded for further dewatering in an area constructed of concrete barriers and lined with geotextile and hay bales. The dewatering area will be designed to drain back into Rockland harbor. The dewatered dredge material will then be loaded onto trucks and delivered to John Barbour's gravel pit for placement and grading using trucks licensed by the Department to transport Category A non-hazardous wastes.

Fugitive dust will be controlled during transport by covering of loads as needed. Erosion and sedimentation will be controlled by measures such as construction exit and entrance best management practices, silt fence, hay bales, mulch, and seeding for final cover. Personnel will be available with shovels, brooms and mechanical sweepers to clean up any spills of the dredge material. The gravel pit has a dust minimization plan in place for the operation of the pit. Best management practices will be implemented in a manner consistent with the *Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers* (October 2016) and the *Maine Erosion and Sediment Control Practices Field Guide for Contractors* (March 2015). All BMPs will be inspected and maintained until the site is permanently stabilized.

The Department finds that the dewatering area described in the application requires a storage facility license under the provisions of 06-096 C.M.R. ch. 402. The Department therefore finds that the applicant has documented adequate procedures to control liquid discharge, fugitive dust, and erosion and sedimentation during storage and handling of the dredge material, provided the land area used to dewater the dredge material is licensed as a dredge material storage facility under 06-096 C.M.R. ch. 402.

12. TRAFFIC MOVEMENT

SHM has estimated that a maximum of 35 loads of the dredge material will be transported from the Prock Marine Company facility to the gravel pit per day. The haul route is approximately 12 miles one way over Maine state roads, with an estimated round-trip travel time of one hour per load. The excavation and hauling will occur when roads are not posted for heavy loads during the spring thaw. Hauling of the dredge material will begin in November of 2021 and be completed by March of 2022, within a period of less than one year.

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The Department finds that 06-096 C.M.R. ch. 418, § 4(C)(1) states that the traffic standards of 06-096 C.M.R. ch. 400, § 4(D) are presumed to be met if the beneficial use will occur no more than once in a calendar year; this project will be completed within a one year period. Therefore, the Department finds that the applicant has made adequate provisions for safe and uncongested traffic movement of all types into, out of, and within the area proposed for beneficial use of the dredge material.

13. AIR QUALITY

As described in Finding of Fact #11, SHM states that fugitive dust will be controlled during transport by covering of loads as needed. Any spills of the dredge material will be cleaned up immediately and the gravel pit operator has a dust minimization plan for the gravel pit. The dredge material is not putrescible and will not generate nuisance odors. The proposed beneficial use will not involve open burning of any solid wastes.

The Department finds that the proposed beneficial use of the dredge material will not unreasonably adversely affect air quality.

14. PROTECTED NATURAL RESOURCES

The proposed beneficial use will not occur in, on, over or adjacent to a protected natural resource that would require conformance with the standards of the Natural Resource Protection Act, 38 M.R.S. §§ 480-A through 480-Z or require a Federal Wetlands permit. The applicant is in the process of filing applications under the Natural Resource Protection Act and with the Army Corps of Engineers for the dredging of the marina and will secure those approvals prior to implementing the proposed beneficial use.

The Department finds that the proposed beneficial use will not have an unreasonably adverse effect on other natural resources in the municipality or in neighboring municipalities.

15. WASTE CHARACTERIZATION and RISK EVALUATION

SHM collected and analyzed a total of five samples of the dredge material, two from Area A and three from Area B. The samples were analyzed for total metals, volatiles and semi-volatiles, PCBs, hexavalent chromium, and dioxins. With the exception of arsenic, all the constituent levels were below the levels necessary to beneficially use the dredge material in accordance with the reduced procedures provisions of 06-096 C.M.R. ch. 418, § 7(A)(3). Based on the low levels of constituents in the dredge material, it was determined that none of the samples would exceed the hazardous waste thresholds. The Department finds that the applicant has provided adequate characterization data for the

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dredge material and finds that the applicant’s proposed use of dredge material will not include the use of any hazardous wastes.

The arsenic levels ranged from 17 to 28 mg/kg. The allowable limit under 06-096 C.M.R. ch. 418, § 7(A) is 16 mg/kg, and the screening level in 06-096 C.M.R. ch. 418, Appendix A is 7.9 mg/kg. The applicant states that the beneficial use will occur at a facility where public access is strictly limited via fencing and a locked gate, that the closest residence is located 1,000 feet away from where the dredge material will be placed and that the dredge material will be placed and covered in an expeditious manner, thereby limiting exposure to the public and the environment. The Department finds that the risk management measures to be employed during the use of dredge material as proposed by the applicant are adequate to manage the arsenic level in the dredge material, and that beneficial use of the dredge material as proposed will not pollute any waters of the State, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance.

16. EXISTING USES AND SCENIC CHARACTER

The gravel pit where the beneficial use will occur is not visible from any public roads or public viewsheds and is surrounded by wooded buffers. Within the property where the pit is located, the reclaimed area will be graded to blend in with the existing landscape and, once covered and vegetated, will look like a grassy knoll on the landscape. The proposed use of the dredge material will not present a bird hazard to aircraft as the nearest airport is over seven miles away. The proposed beneficial use will not impact historical sites or generate excessive noise at the property boundary or at protected locations.

The Department finds that the proposed beneficial use will not unreasonably adversely affect existing uses and scenic character.

BASED on the above Finding of Facts, the Department makes the following CONCLUSIONS:

1. The proposed beneficial use will not pollute any waters of the State, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance.
2. The applicant has demonstrated sufficient title, right, or interest in the property where the beneficial use will occur.
3. The applicant has the financial capacity to beneficially use the dredge material, as described in this order, in a manner consistent with state environmental requirements.

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4. The applicant has adequate technical ability to beneficially use the dredge material described in this application in a manner consistent with state environmental requirements, provided Prock Marine Company, proposed as the land dewatering area, obtains a license under 06-096 C.M.R. ch. 402 prior to storage of the dredge material on land.
5. The applicant has provided a disclosure statement as required by 06-096 C.M.R. ch. 400, § 12, and the Department finds no reason to refuse to grant a license to the applicant.
6. The use of dredge material as proposed by the applicant serves a legitimate beneficial purpose, does not constitute disposal or a means of discard, and will perform as an acceptable substitute for the type of material typically used.
7. The proposed beneficial use of the dredge material will not include the use of hazardous wastes identified pursuant to Maine's *Identification of Hazardous Waste* rule, 06-096 C.M.R. ch. 850.
8. The applicant has made adequate provisions for safe and uncongested traffic movement of all types into, out of, and within the area proposed for beneficial use.
9. The proposed beneficial use will not unreasonably adversely affect air quality.
10. The proposed beneficial use of the dredge material will not have an unreasonably adverse effect on natural resources in the municipality or neighboring municipalities and will not cause unreasonable sedimentation or erosion of soil.
11. The applicant has provided adequate characterization data for the dredge material for use in the proposed project, has proposed acceptable risk management procedures for the elevated level of arsenic in the dredge material, and the dredge material is suitable for the proposed beneficial use.
12. The proposed beneficial use will not unreasonably adversely affect existing uses and scenic character of the area.

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THEREFORE, the Department APPROVES the above noted application of SHM ROCKLAND, LLC, SUBJECT TO THE ATTACHED CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached as Appendix A.
2. The invalidity or unenforceability of any provision, or part thereof, of this license shall not affect the remainder of the provision or any other provisions. This license shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
3. SHM shall ensure that any land dewatering of the dredge material from its project occurs only at a storage facility licensed under the applicable provisions of 06-096 C.M.R. ch. 402, and shall notify the Department of the location to be used prior to the placement of any dredge material on land.

DONE AND DATED AT AUGUSTA, MAINE, THIS 12th DAY

OF May, 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
Melanie Loyzim, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application: October 20, 2020

Date of application acceptance: November 10, 2020

Date filed with Board of Environmental Protection:

XMP86686/mtp

FILED
May 12, 2021
State of Maine
Board of Environmental
Protection

STANDARD CONDITIONS TO ALL SOLID WASTE FACILITY LICENSES

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL. VIOLATIONS OF THE CONDITIONS UNDER WHICH A LICENSE IS ISSUED SHALL CONSTITUTE A VIOLATION OF THAT LICENSE AGAINST WHICH ENFORCEMENT ACTION MAY BE TAKEN, INCLUDING REVOCATION.

1. **Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the licensee. Any consequential variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
2. **Compliance with All Applicable Laws.** The licensee shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
3. **Compliance with All Terms and Conditions of Approval.** The licensee shall submit all reports and information requested by the Department demonstrating that the licensee has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. **Transfer of License.** The licensee may not transfer the solid waste facility license or any portion thereof without approval of the Department.
5. **Initiation of Construction or Development Within Two Years.** If the construction or operation of the solid waste facility is not begun within two years of issuance or within 2 years after any administrative and judicial appeals have been resolved, the license lapses and the licensee must reapply to the Department for a new license unless otherwise approved by the Department.
6. **Approval Included in Contract Bids.** A copy of the approval must be included in or attached to all contract bid specifications for the solid waste facility.
7. **Approval Shown to Contractors.** Contractors must be shown the license by the licensee before commencing work on the solid waste facility.
8. **Background of key individuals.** A licensee may not knowingly hire as an officer, director or key solid waste facility employee, or knowingly acquire an equity interest or debt interest in, any person convicted of a felony or found to have violated a State or federal environmental law or rule without first obtaining the approval of the Department.
9. **Fees.** The licensee must comply with annual license and annual reporting fee requirements of the Department's rules.
10. **Recycling and Source Reduction Determination for Solid Waste Disposal Facilities.** This condition does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling.

STANDARD CONDITIONS TO ALL SOLID WASTE FACILITY LICENSES

The solid waste disposal facility shall only accept solid waste that is subject to recycling and source reduction programs, voluntary or otherwise, at least as effective as those imposed by 38 M.R.S. Chapter 13.

- 11. Deed Requirements for Solid Waste Disposal Facilities.** Whenever any lot of land on which an active, inactive, or closed solid waste disposal facility is located is being transferred by deed, the following must be expressly stated in the deed:
- A. The type of facility located on the lot and the dates of its establishment and closure.
 - B. A description of the location and the composition, extent, and depth of the waste deposited.
 - C. The disposal location coordinates of asbestos wastes must be identified.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Individual Permit Application Fee – Check Processing Form

The Department is now requiring the submission of the following permit applications by email:

- Site Location of Development Law (Site Law)
- Natural Resources Protection Act (NRPA)
- Stormwater Management Law
- Maine Waterway Development and Conservation Act (MWDCA)
- Borrow Pits and Quarries – Variances and Notices of Intent to Comply

All applications must include the application fee. The Department’s review of an application for completeness begins upon receipt of the application and application fee. The fee for each permit type is listed in the Department’s fee schedule (<https://www.maine.gov/dep/feeschedule.pdf>).

Payment by Credit Card. Application fees up to \$5,000 may be paid by credit card on the Department’s [payment portal](#). Instructions for using the portal and including payment confirmation with an application are available on the Department’s website:

(<https://www.maine.gov/dep/land/permits/individual/index.html>).

(You do not need to complete this form if you pay the application fee using the portal.)

Payment by Check. Individual permit applicants paying the application fee by check must:

- a. Complete this form and include a copy along with the email submission of the application to DEP.LandApplication@maine.gov; AND
- b. Mail a check for application fee and completed copy of this form to: Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. Checks should be payable to “Treasurer, State of Maine.”

Project Information	
Applicant Name	SHM Rockland, LLC
Municipality	Rockland
Contact Name	Michael J Sabatini, Landmark Corporation
Contact Email	mike@landmarkmaine.com
Contact Phone #	207-236-6757 Ext:

Application Fee			
Permit Type	Processing Fee	Licensing Fee	Total
Site Law			
NRPA (Code 4C)	\$434.00	\$109.00	\$543.00
Other			

Check No.: 5587

Amount: \$543.00